

**MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
August 19, 1991**

Meeting convenes at 10:00 a.m., Monday, August 19, in the fourth floor conference room.

Public Participation

10:30 a.m.

Appointments:

- | | |
|--|-----------|
| Joe Ringsdorf (Item #13) | 1:30 p.m. |
| Schildberg Construction Co. (Item #14-C) | 2:00 p.m. |
| 1. Approve Agenda. Don Ervin (Item #14-B) | 2:30 p.m. |
| Ames Golf & Country Club (Item #14-A) | 3:00 p.m. |
| 2. Approve Minutes of July 15-16, 1991. | |
| 3. Director's Report. (Wilson) Information. | |
| 4. Landfill Alternatives Grant Awards. (Hay) Information. | |
| 5. Midwest Low Level Radioactive Waste Compact Update. (Hay) Information. | |
| 6. Monthly Reports. (Stokes) Information. | |
| 7. Notice of Intended Action--Chapter 30, Temporary Air Toxics Fee. (Stokes) Decision | |
| 8. Emergency Adopted Rule--Chapter 135, Underground Storage Tanks - Site Cleanup Reporting. (Stokes) Decision. | |
| 9. Emergency Adopted Rule--Chapter 134, Groundwater Professionals Registration. (Stokes) Decision. | |
| 10. Budget Review - FY 92. (Kuhn) Information. | |
| 11. Proposed Contested Case Decision--Key City Coal Gas Site. (Combs) Decision. | |
| 12. Application for Rehearing--Hawkeye Land Company. (Combs) Decision. | |
| 13. Contested Case Appeal--Joe Ringsdorf. (Combs) Decision. | |
| 14. Referrals to the Attorney General. (Combs) Decision. | |
| (a) Ames Golf & Country Club/Jerry Webb (Ames) | |
| (b) Don Ervin (Webster County) | |
| (c) Schildberg Construction Company, Inc. (Atlantic) | |
| (d) Honey Creek Camping Resort (Crescent) | |
| (e) Folletts Tavern (Camanche) | |
| (f) The Barn (Sherrill) | |

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15. 1992 Legislation. (Combs) Information.

17. General Discussion.

18. Address Items for Next Meeting.

NEXT MEETING DATES

September 16-17, 1991
October 21-22, 1991
November 18-19, 1991

ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 19, 1991

NAME

COMPANY OR AGENCY

CITY

(please print)

DAN VEST	GROWMARK	BLOOMINGTON IL.
Glenn Norgart	Casper's General Stores	Ankeny Iowa
JACK SOENER	ABI	DES MOINES
ROD BUSHET	CR Gzette	
MURRAY NELSON	Seneca Environmental	Des Moines
Amy Christensen Couch	Wasker Sullivan & Ward	Des Moines
CYNTHIA HUBERT	DM RESEARCH	DM
JOE NETTLETON	SALSBURY CHEMICALS	CHARLES CITY
JANE McALLISTER	Ahlens Law Firm	Des Moines
KEVIN E. QUASS	Iowa Power	Des Moines
KEITH CHERRYHORN	Univ. Hyg Lab	JACKSON
Joe Ringdorf		Algona Iowa
Theresa Kehoe	Sen Dem Research	Des Moines
MARY BRAUN	House Dem. Research	DSM

ENVIRONMENTAL PROTECTION COMMISSION

NAME

COMPANY OR AGENCY

CITY

(please print)

Steve DeVolder

Gamble Law Firm

DSU

Ray Hight

Schildberg Construction Co.

Greenfield

Don Erwin

MIDWEST REARCH

Fort Dodge

Elmer Plummer

Superior Waste Co

" "

Norman Mundie

John M. Ayner

Ames G & C

Ames
WDM.

Dan A. Schoder

SCUNNER & COMPANY

DEBORAH S KRAUTH

NEWBROUGH LAW FIRM

AMES

Jerry Webb

Ames G & C

AMES

Dale Sharp

Ames G & C

AMES

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AUGUST 1991 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on August 19, 1991.

MEMBERS PRESENT

Mike Earley, Richard Hartsuck, Rozanne King, Charlotte Mohr, Gary Priebe, Nancy Lee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

William Ehm, Margaret Prahl

ADOPTION OF AGENDA

The following appointments were added to the agenda:

Appointment - Schildberg Construction Co. (Item #14-C) - 2:00 p.m.

Appointment - Don Ervin (Item #14-B)- 2:30 p.m.

Appointment - Ames Golf & Country Club/Jerry Webb (Item #14-A)-3:00 pm

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Clark Yeager to approve the meeting minutes of July 15-16, 1991, as presented. Seconded by Rozanne King. Motion carried unanimously.

DIRECTOR'S REPORT

Larry Wilson, Director, announced that Pete Hamlin is sitting in for Al Stokes who is attending a meeting of the National Associa-

tion of State and Interstate Water Pollution Control Administrators, in Nebraska. He added that Mr. Stokes will be installed as president of the organization at that meeting.

Director Wilson explained that the department had a role to play in fulfilling the mandate of the state's Reduction In Force (RIF) program. He related that the number of DNR employees was reduced by 26 FTEs, 5 probationary status employees, and 32 seasonal employees. The seasonal employee reduction included 15 from the Green Thumb Program. All divisions of the department were affected by RIF except the Waste Management Authority Division. Mr. Wilson noted that some reassignments have taken place as a result of these reductions and more reassignments will occur.

Director Wilson called attention to the new DNR Program Directory which was previously distributed to each Commissioner. He related that it is a nice piece of information to have available. Mr. Wilson stated that James Combs and his staff played a key role in developing the directory.

Landfill Alternative Grant Awards

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

Eighteen grant applications were selected for funding from the round of applications submitted the first Monday in June. A brief summary of each successful project follows for the Commissions information. Five grants were awards of less than \$25,000. The other thirteen grants will be brought to the Commission for contract approval at future meetings.

1) Delaware County Vocational Services Center \$110,363

This county-wide project will collect glass, newsprint, and other paper for processing at the Delaware County Vocational Services Center. The grant money is for equipment to be used in both collection and processing activities.

2) Bremer County and the City of Waverly \$230,450

This project will be a joint effort for waste reduction and recycling activities, including curbside pick-up of recyclables in Waverly, and drop-off collection in all of the other cities in the county. Processing will take place at a county facility and will utilize vocational clients.

3) DAC, Inc. \$73,000

Jackson County will be equipping their county-wide recycling center with equipment to process glass, cardboard, paper, plastics, metal and newspaper.

- 4) Northwest Iowa Area Solid Waste Agency \$56,675

This grant will allow the solid waste agency to expand its material recovery program, presently serving three cities, to include the counties of Sioux, O'Brien, Osceola, Clay and Lyon. They will also construct a storage building for recycled materials in Sioux County.

- 5) Integrated Environmental Systems \$72,152

This project involves siting and operating a facility in Scott or Muscatine counties to manufacture fuel from mixed waste paper that can be co-fired with coal. Owners of the business are Warren Dunham and Jeff Carter.

- 6) Organic Technologies \$246,000

This grant will be used to construct a regional yard waste collection and composting facility for Madison, Warren, Dallas and Polk counties. The facility will be located in Dallas county. The business owner is Myron Hirschman.

- 7) Cerro Gordo County Area Solid Waste Agency \$140,000

Cerro Gordo county will build and equip a compost site that will serve the county as well as eleven cities in other counties.

- 8) Iowa State University \$33,400

ISU Facilities Planning and Management will use this grant for site preparation, building and equipment to collect and compost yard waste from ISU buildings and grounds, and will reuse the product for grounds application.

- 9) Dordt College \$28,400

Dordt will be purchasing pollution control equipment to enable the Dordt burner in Sioux Center to burn dRDF without violating emission standards.

- 10) Marian Health Center \$75,350

This grant will expand the "Our Home, Earth" program, with an infectious waste reduction project, procurement of recycled products, and in-house separation, cleaning, and processing of recyclables for the health center, located in Sioux City.

- 11) Vrandenburg Enterprises \$80,000

This grant will be used for a conveying/grinding separator and personnel for recovering and recycling thermoplastics in Lee, Henry and Johnson counties. The owner of the business is Arthur Vrandenburg.

12) Nishna Sanitary Services \$200,000

This grant will be used to build, equip and operate a recycling center to serve Montgomery, Page, Fremont and Mills counties. The owner of the business is Phil Mellot.

13) Environmental Recycling \$270,900

This project will establish a materials recovery facility that will serve commercial sectors and possibly residential sectors in Dubuque and surrounding counties. The owner is Diane Ditmer.

14) Tom Schechinger \$10,115

This grant will be used to establish a conditioning facility in Harlan to process and store grass clippings for livestock feed (primarily sheep) in Harlan and the surrounding rural areas.

15) Milford Kiwanis \$22,495

This grant will be used to purchase paper shredding and baling equipment to expand the current newspaper recycling project. The baled paper will be sold locally (Dickinson county) for animal bedding. The communities of Arnolds Park, Milford, Okobojo, Orleans, Spirit Lake, Terril, Wahpeton, West Okobojo, and various rural residents will participate.

16) Wells Blue Bunny \$21,500

This grant will be used for plastics processing and washing equipment at the Blue Bunny plant in Sioux Center.

17) Coe College \$10,390

This project involves implementation of a campus-wide recycling program for paper, glass, metal and #1 and #2 resin-type plastics. Coe College is located in Cedar Rapids.

18) Kirk McCullough \$7,624

This grant will be used for an air exhaust test of briquettes made from grey/iron ductile/iron waste foundry sand. The foundry is located in Webster City.

Ms. Hay gave a brief description of the applications and the grant awards. She reviewed a map showing the geographical location of grants distributed to date.

Discussion followed regarding regionalization of recycling projects.

Clark Yeager stated that he would like a report on what Missouri has done on regionalization and what might be done in Iowa in this respect.

Ms. Hay commented that the Commission will hear from James Combs about flow control over recyclables when he presents the 1992 Legislation item.

This was an informational item; no action was required.

MIDWEST LOW LEVEL RADIOACTIVE WASTE COMPACT UPDATE

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

On July 24, 1991, at a special meeting of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, the State of Michigan's membership in the Compact was revoked, effective immediately. Michigan was designated as the Host State for the Compact in June, 1987, and was responsible for the development and operation of the seven-state region's first low-level radioactive waste disposal facility.

Michigan's membership in the Compact was revoked because it had failed to discharge its obligation as Host State. Since June of 1987, Michigan had passed legislative resolutions expressing opposition to the federal framework for disposal of this waste, had unilaterally suspended siting activities, had failed to enact proposed Compact amendments, had refused to provide the Commission with an assurance of repayment of Compact funds if it withdrew or had its membership revoked, had challenged the constitutionality of relevant federal law, had failed to amend siting criteria that essentially precluded finding a site, was denied access to existing disposal sites, had filed a lawsuit against the Commission, and had failed to identify sites for characterization.

As a result of Michigan's revocation, the State of Ohio automatically became, and was confirmed as, the Compact's new Host State. The State of Minnesota automatically became, and was confirmed as, the Compact's new Alternate Host State.

The consequences of Michigan's failure to proceed with development of a disposal facility in a timely manner will be shared by all of the member states and their generators. The consequences include, but are not limited to, long-term storage of this waste at generator sites, surcharge penalties on waste disposed by Midwest Compact generators in 1992, and additional

costs related to site selection and facility development in another member state. In addition, as provided for in the Low-Level Radioactive Waste Policy Amendments Act of 1985, generators may seek to transfer waste title, possession and liability to the states if a regional facility is not operational by January 1, 1996.

In addition to resolutions revoking Michigan's membership and confirming Ohio as the new Host State, the Commission also adopted a resolution authorizing the Commission to take whatever legal action against the State of Michigan is feasible and necessary as a result of Michigan's failure to discharge its obligation as host state for the Midwest Compact's first regional disposal facility.

Ms. Hay reported that the Ohio Radioactive Waste Advisory Board met on August 8, 1991, and Ohio is moving forward in looking at siting criteria that will match federal requirements for siting. She related that Ohio indicated that they will hire a private consultant for the siting activities. Ms. Hay noted that if Ohio continues to move at the rate they have been, compact amendments will probably be taken to the Iowa General Assembly in the upcoming session. She noted that Ohio is moving quickly and positively.

Richard Hartsuck asked when a site will be available for use.

Ms. Hay stated that there is no schedule from Ohio yet but it will probably be four or five years until completion and ready for use.

Discussion followed.

This was an informational item; no action was required.

MONTHLY REPORTS

Peter Hamlin, Bureau Chief, Air Quality and Solid Waste Protection Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report

5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
August 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 30 - Temporary Air Toxic Fees	8/19/91	9/18/91	*10/ /91	10/08/91 10/09/91 10/10/91	*11/18/91	*11/18/91	*12/11/91	*1/15/92
2. Ch. 61 - Corps of Engineers Nationwide Permits	6/17/91	7/10/91	8/21/91	7/31/91- 8/05/91	*9/16/91	*9/16/91	*10/01/91	*11/20/91
3. Ch. 134 - Registration of Groundwater Professionals		E M E R	G E N C Y		8/19/91	*8/19/91	*9/18/91	*8/30/91
4. Ch. 135- UST Rules		E M E R	G E N C Y		8/19/91	*8/19/91	*9/18/91	*8/30/91

*Projected

MONTHLY VARIANCE REPORT						
Month: July, 1991						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Nelson Rock & Contracting, Inc. - Harrison County	Air Quality		Landscape Waste	Approved	07/01/91
2.	City of Roland	Wastewater Construction	Howard R. Green Co.	Lagoon Multi-Level Drawoffs	Denied	07/05/91
3.	City of Bussey	Wastewater Construction	McClure Engineering Co.	Suction Pump Lift Station Design	Denied	07/29/91
4.	Chickasaw County	Flood Plain	County Engineer	Backwater	Approved	07/01/91
5.	City of Council Bluffs	Flood Plain	HGM Associates, Inc.	Freeboard	Approved	07/10/91
6.	Floyd-Mitchell Sanitary Landfill	Solid Waste	Brice, Petrides-Donohue	Cover	Approved	07/05/91
7.	American Soil Processing - Marion	Solid Waste	Green Environmental Services	Leachate	Approved	07/05/91
8.	American Soil Processing - Marion	Solid Waste	Green Environmental Services	Storage	Approved	07/05/91
9.	American Soil Processing - Marion	Solid Waste	Green Environmental Services	Groundwater Monitoring	Approved	07/05/91
10.	American Soil Processing - Marion	Solid Waste	Green Environmental Services	Cover	Approved	07/05/91
11.	Three Mile Reservoir Agency - Union County	Watersupply Construction		Siting Criteria	Denied	07/02/91
12.	Holiday Lake Water System - Poweshiek County	Watersupply Construction	Van Winkle-Jacob Engineering	Siting Criteria	Denied	07/02/91
13.	Sageville Elementary School - Dubuque Community School District	Watersupply Construction	Wallace, Holland, Kastler, Schmitz & Co.	Siting Criteria	Approved	07/05/91

August 1991

Environmental Protection Commission Minutes

TOPIC: Report of Hazardous Conditions

During the period July 1, 1991 through July 31, 1991, reports of 125 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
07/08/91 Polk	On July 8, 1991, a truck carrying drums of sodium hypochlorite was forced to make a sudden stop. The drums tipped over and material leaked onto the street. 110 gallons of material were released.	Ia. Solvents & Chemicals 5380 NE 22nd St. Des Moines, Ia.	The Des Moines Hazardous Materials Team uprighted the drums, stopped the leaks, neutralized the material, and flushed it into the storm sewer with water.
07/13/91 Clinton	On July 13, 1991, a holding tank developed a leak in a weld seam. 400 pounds of ammonium nitrate spilled onto a concrete lot. The material did not enter any surface waters.	Arcadian Corp. PO Box 2966 Clinton, Ia.	Company employees diked the area with sand and pumped up the material. Most of the material was recycled.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1990

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	112(89)	69(62)	7(10)	36(17)	70(52)	0(3)	25(10)	1(1)	1(1)	15(22)
Nov.	69(57)	36(36)	11(10)	22(17)	35(52)	0(3)	15(10)	4(2)	1(0)	14(5)
Dec.	85(65)	61(43)	14(4)	10(18)	37(32)	1(3)	23(9)	1(3)	1(2)	22(16)
Jan.	56(104)	31(76)	7(6)	18(22)	35(72)	1(2)	9(16)	1(4)	1(3)	9(7)
Feb.	77(69)	43(49)	7(7)	27(13)	47(45)	1(2)	14(13)	2(1)	2(1)	11(7)
March	82(104)	51(76)	10(6)	21(22)	43(72)	3(2)	17(16)	3(4)	0(3)	16(7)
April	85(132)	46(67)	22(46)	17(19)	36(92)	2(2)	25(12)	1(5)	0(2)	21(19)
May	162(150)	54(69)	67(60)	41(21)	79(113)	3(1)	47(17)	3(3)	1(5)	29(12)
June	116(121)	51(47)	46(27)	19(47)	52(79)	1(2)	42(27)	0(1)	0(3)	21(9)
July	125(114)	57(56)	22(21)	46(37)	60(72)	2(0)	26(31)	2(0)	1(0)	34(11)

Total Number Of
Incidents Per Field
Office This Period:

1	2	3	4	5	6
15	16	16	13	34	31

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of July 1, 1991 through July 31, 1991, the following number of releases from underground storage tanks were identified.

77 (139)

E91Aug-8

The number in parentheses represents the number of releases during the same period in Fiscal Year 1990.

Environmental Protection Commission Minutes

August 1991

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Nichii Company of America, Jefferson (2)	Air Quality	Construction Without Permit	Order/Penalty	7/01/91
Manildra Energy Corporation, Hamburg (4)	Air Quality	Construction Without Permit	Order/Penalty	7/01/91
Leroy Iron & Metal, Inc., Howard County (5)	Air Quality	Construction Without Permit	Order/Penalty	7/01/91
Gilmore City Waterworks, Gilmore City (3)	Drinking Water	Monitoring/Reporting- Other Inorganics	Order/Penalty	7/01/91
Barrah's Apco, Inc., Council Bluffs (4)	Underground Tank	Remedial Action	Order	7/01/91
River Heights Property Owners, Coralville (2)	Drinking Water	Monitoring/Reporting- Organics	Order/Penalty	7/01/91
Clow Valve Company, Oskaloosa (5)	Air Quality	Construction Without Permit	Order/Penalty	7/01/91
Williamsburg, City of (6)	Wastewater	Certified Operator	Order	7/01/91
Empire Construction Co., d/b/a Dickinson County Sanitary Landfill (3)	Solid Waste	Operation Without Permit; Compliance Schedule	Order/Penalty	7/12/91
Robert E. Bryant, D.V.M., d/b/a Cherokee Hog Farms, Aurelia (3)	Wastewater	Prohibited Discharge	Referred to AG	7/15/91
Soo Line Railroad Co., Mason City (2)	Wastewater; Hazardous Condition	Prohibited Discharge; Remedial Action	Referred to AG	7/15/91
St. Charles, City of (5)	Drinking Water	MCL-Bacteria; Public Notice	Emergency Order Order	7/19/91
Waterloo, City of (1)	Wastewater	Discharge Limits; Pretreatment	Order/Penalty	7/22/91
Union, City of (2)	Drinking Water	Construction Without Permit	Order/Penalty	7/22/91
Wally's Paint Shop, Strawberry Point (1)	Air Quality	Construction Without Permit	Order/Penalty	7/22/91
Sunrise Mobile Home Village, Marion (6)	Wastewater	Discharge Limits	Order	7/22/91
Willaims Water Supply (2)	Drinking Water	Public Notice	Order/Penalty	7/22/91
Newhall, City of (1)	Wastewater	MIP	Amended Order	7/23/91
Wallace Diemer, Franklin County (2)	Wastewater	Prohibited Discharge	Order	7/23/91
IBP, Inc., Perry (5)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	7/23/91

August 19⁹¹

Summary of Administrative Penalties

Minutes

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Wagon Wheel (Monticello)	WS	330	5-13-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
*Folletts Tavern (Camanche)	WS	375	6-25-91
Merle Adams (Hardin Co.)	SW	1,000	7-01-91
The Barn (Sherrill)	WS	200	7-31-91
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	8-04-91
Hornick Water Supply	WS	200	8-04-91
Fibre Body Industries, Inc. (Swea City)	AQ	1,000	8-04-91
Clinton County Care Facility (Clinton)	WS	200	8-05-91
Oakwood Park Water Assoc. (Clear Lake)	WS	500	8-05-91
Wayland Water Supply	WS	200	8-07-91
Kit Kat Klub Inc. d/b/a Eagle Center Tap (Waterloo)	WS	100	8-12-91
Long Branch Tavern (Monmouth)	WS	200	8-12-91
Kalmes Store (St. Donatus)	WS	100	8-13-91
M & W Mobile Home Park (Muscatine)	WW	700	8-21-91
Andrews Prestressed Concrete, Inc. (Cerro Gordo Co.)	SW	1,000	8-22-91
Northwest Lagoon Pumping Contractors (Marcus)	WW	1,000	8-24-91
Bee Line Company (Bettendorf)	WS	100	8-27-91
Manildra Energy Corporation (Hamburg)	AQ	1,000	9-03-91
Nichii Company of America, Inc. (Jefferson)	AQ	1,000	9-03-91
Clow Valve Company (Oskaloosa)	AQ	700	9-10-91
Union, City of	WS	500	9-11-91
Empire Const. Co. d/b/a Dickinson Co. SLF	SW	1,000	9-18-91
Waterloo, City of	WW	1,000	9-24-91
Williams Water Supply	WS	200	9-24-91
Wally's Paint Shop (Strawberry Point)	AQ	500	9-25-91
IBP, inc. (Perry)	WW	1,000	9-25-91

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
East Side Acres (Moville)	WS	200	12-26-89
East Side Acres (Moville)	WS	600	4-01-90
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	315	2-24-91
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	1,000	4-11-91
Gaul's Water Commission (Burlington)	WS	200	5-13-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Sioux City, City of	WW	1,000
Donald Ray Maasdam (Pocahontas Co.)	SW	1,000
Vern Starling (Boone Co.)	SW	1,000
Des Moines, City of	HC	1,000
Carl A. Burkhardt d/b/a American Wrecking Co.	AQ/SW	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Lloyd Dunton (Iowa County)	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000

*On Payment Schedule

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Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	1,000
Richard Duncan (Louisa County)	SW/AQ	500
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
Joe W. Ringsdorf (Kossuth County)	AQ	1,000
John W. Yotter (Louisa County)	SW	1,000
Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Clarke County Sanitary Landfill (Osceola)	SW	1,000
Kenneth Bode (Mills Co.)	SW	1,000
Twin View Heights (Solon)	WS	200
Mason City Iron and Metal Co. (Mason City)	AQ	1,000
Ringgold County Hospital (Mt. Ayr)	AQ	1,000
American Recycling, Inc. (Council Bluffs)	AQ	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Hill Top Subdivision #1 (Muscatine)	WS	100
Roy Long (Knoxville)	SW	300
LeRoy Iron & Metal, Inc. (Howard Co.)	AQ	1,000
John Dennis and Kirk Knox (Audubon County)	SW	300
Dana Water Works	WS	100
Gilmore City Waterworks	WS	50
Midwest Mining, Inc. (Harrison Co.)	FP	800
AG Processing, Inc. (Mason City)	AQ	400
Milo Public Water Supply	WS	200
Bradford House (Nashua)	WS	50
Rockwell International Corp. (Decorah)	AQ	1,000
Handi-Klasp, Inc. (Webster City)	WW/HC	1,510
River Heights Property Owners (Coralville)	WS	50
Kingdom Hall (Elkader)	WS	100

TOTAL \$5,960

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing Trial Date	12/16/82 2/25/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90 4/ /92
American Pelletizing Corp. Knoxville (5)		Air Quality	Emission Standards	Order	Referred	2/18/91
Amoco Oil Company Des Moines/Ames (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines/Ft. Madison (546)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	3/18/91
Archer Daniels Midland Co. Clinton County (6)		Air Quality	Emission Standards	Referred to Attorney General	Referred	5/20/91
ASPRO, Inc. Waterloo (1)		Air Quality	Emission Standards	Referred to Attorney General	Referred	3/18/91
Baker, Mike d/b/a M & O's Chalet Elgin (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Black Hawk Foundry & Machine Co. Davenport (6)	Updated	Air Quality	Emission Standards	Referred to Attorney General	Referred Consent Decree (\$29,000)	4/15/91 7/08/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Buffalo Bill Estates, Inc. Camanche (6)		Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	Referred	6/17/91
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/15/91
Cain, Edward and Margaret Clinton County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred	3/18/91
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed Trial Date	9/18/90 12/31/90 12/18/91
Chalfant, Milo, et.al. Webster City (2)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed Trial Date	9/20/89 8/08/90 9/05/91
Chicago & Northwestern Transportation Co. Webster County (2)		Air Quality	Open Burning	Referred to Attorney General	Referred	3/18/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Cota Industries, Inc. Des Moines (5)	Updated	Hazardous Condition	Remedial Action	Order	Referred	4/15/91
				Order	Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss	4/18/91 5/08/91 7/23/91
Country Estates MH Court Council Bluffs (4)		Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty	Referred	6/17/91
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90
					Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General		
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	4/16/90 5/13/91
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgement	8/21/90 11/30/90 6/10/91
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Dexter Co., The Fairfield (6)	Updated	Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	3/20/90 7/31/90 11/18/91

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/19/90 3/13/91
Drips, Joseph and Diana vs. DNR	Updated	Wastewater	Private Sewage Disposal	Defending	Suit Filed Motion to Dismiss Trial Date	8/06/90 6/14/91 2/17/92
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
Fairfield, City of (6)	Updated	Wastewater	Monitoring/Reporting Discharge Limitations Operation Violation	Order	Referred Petition Filed Trial Date	2/20/90 7/31/90 11/05/91
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred	2/18/91
Gaul's Water Commission Burlington (6)		Drinking Water	Monitoring/Reporting- Inorganics	Order/Penalty	Referred	6/17/91
Giametta, Dominic d/b/a Fred's 66, Davenport (6)	Updated	Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed Trial Date	12/11/89 7/02/90 11/05/91
Great Dane Fertilizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Hubinger Company Keokuk (6)		Air Quality	Operation Permit Violations	Referred to Attorney General	Referred	4/15/91
Humboldt Co. Landfill Commission (2)	Updated	Solid Waste	Cover Violations	Order/Penalty	Referred Petition Filed Discovery Proceeding Trial Date	11/20/89 8/30/90 11/15/90 9/19/91
Iowa Dress Club, Inc. Oskaloosa (5)	Updated	Wastewater Solid Waste	Prohibited Discharge Illegal Disposal	Referred to Attorney General	Referred Trial Info. Filed (Mahaska Co.) Guilty Plea (\$3,000)	7/16/90 5/14/91 7/08/91
Kleindolph, Richard Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid (\$300)	10/24/89 4/06/90 8/13/90 9/13/90
Kollbaum, Garry East Side Acres Menville (3)		Drinking Water	MCL-Nitrate	Order/Penalty	Referred Petition Filed	5/21/90 7/02/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Standards Treatment Agreement	Order	Referred	2/18/91
Matherm, Larry (Larry's DX) Ralph Beck; Walker Oil Co. (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed Beck Motion for Summary Judgment Denied	2/20/90 7/02/90 5/15/91
McGinnis, Mike; Alfred Patten; and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
McGregor, John W. and Doris v. DNR (4)		Wastewater	DNR Defendant	401 Certification	Referred	5/30/90
Bob McKiniss Excavating & Grading v. IDNR	Updated	Hazardous	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Trial Date	3/12/91 5/01/91 10/01/91
Miller Products Co. (5)	Updated	Wastewater	Pretreatment	Order/Penalty	Referred Petition Filed Trial Date	4/16/90 11/29/90 10/08/91
Monfort, Inc. (5)	Updated	Wastewater	Prohibited Discharge	Attorney General	Referred Trial Info. Filed (Polk Co.)	12/11/89 7/19/91
Natvig, Craig Mason City (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Petition Filed Trial Date	8/21/90 11/29/90 10/17/91
Oehler, Jay d/b/a Oehler Bros. Oil Moravia (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Orchard, City of (2)		Drinking Water	Monitoring/Reporting MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed	4/16/90 11/30/90 5/13/91
Pete's Sunoco/ Popejoy Septic West Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pony Creek Homeowners Assoc. #1 Pacific Junction (4)		Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty	Referred	3/18/91
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	10/15/90 5/23/91
Pruess v. IDNR		Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90
R. V. Hopkins, Inc. Davenport (6)		Air Quality	Emission Standards	Referred to Attorney General	Referred	6/17/91
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/16/90
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/20/90 6/21/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Shelley, Robert and Sally Guthrie Center (4)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	4/15/91 7/18/91
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Simmons, Art d/b/a Art's Garage Bussey (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Siouxland Quality Meat Co., Inc. Sioux City (3)	Updated	Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Trial Date	2/20/90 7/02/90 9/17/91
Soo Line Railroad Co. Mason City (2)	New	Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/15/90
Swea City Oil Co./Irene Fagerlund, Swea City (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred Petition Filed	6/21/89 2/14/91
Vanner, Fred Worth County (2)		Solid Waste	Waste Oil Reporting	Order/Penalty	Referred	5/20/91
Witt, John J. Long Grove (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgment (\$6,000)	8/21/90 10/16/90 12/11/90

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WM	Landa	Hearing continued.
12-03-86	Waukee, City of	Administrative Order	WS	Hansen	Construction completed. Settlement proposed.
5-12-87	Iowa City Regency MHP	Administrative Order	WM	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Additional round of sampling performed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	To District Court 4/12/91 for judicial review.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed. Counter offer made.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Additional work requested and initiated.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Supreme Court confirms;remands other issues.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Settlement proposed.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Hearing continued. Settlement proposed.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Dismissed.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Oral argument 7/15/91. Decision upheld by EPC.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Testing to be done in June.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing continued.
1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Settled.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Settlement pending.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Sent to DIA.
3-22-90	Vern Starling	Administrative Order	SW	Kennedy	Appealed to EPC; oral argument 7/15/91.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-08-90	Texaco Inc./Chemplex Company Site	Site Registry	HW	Landa	Hearing continued.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Hearing continued. Depositions taken.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing continued. Compliance initiated.
5-11-90	Carl A. Burkhardt	Administrative Order	AQ/SW	Kennedy	Appealed to EPC 5/24/91; oral argument 7/15/91.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
6-18-90	Ames, City of	NPDES Permit Cond.	WW	Hansen	Proposed decision upheld by EPC 7/15/91.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting held 6-21-91.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued to 6/11/91.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Hearing continued.
7-23-90	IBP, inc. Perry	Administrative Order NPDES Permit	WW	Hansen	Settlement letter to IBP 7/26/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settlement pending.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision proposed 7/25/91.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Settlement proposed.
8-06-90	Lake Manawa Wissan, Inc.	Administrative Order	UT	Landa	Compliance initiated.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Hearing held; briefs filed.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Depositions 4/12/91. Hearing set for 8/6/91.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads	Administrative Order	HC	Landa	Negotiating before filing.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing scheduled for 8/5/91.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Settlement close.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
11-06-90	Vincent Martinez d/b/a Martinez Sewer Service	Administrative Order	HC	Landa	Hearing set for 9/12/91.
11-13-90	Lloyd Dunton	Administrative Order	SW	Kennedy	Hearing continued to 8/20/91.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing set for 9/20/91.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-19-90	Aratex Services, Inc.	Site Registry	HC	Landa	Negotiating.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Compliance initiated.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing set for 8/30/91.
1-11-91	Fansteel/Wellman Dynamics	Site Registry	HC	Landa	Hearing set for 7/17/91.
1-22-91	Richard Duncan	Administrative Order	SW/AQ	Kennedy	Negotiating before filing.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Landa	Hearings begun.
3-11-91	John W. Yotter	Administrative Order	SW	Kennedy	Hearing set for 9/26/91.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3-14-91	Joe Ringsdorf	Administrative Order	AQ	Kennedy	Proposed decision received 7/12/91.
3-15-91	Muscatine, City of	Administrative Order	WW	Hansen	Motion to dismiss filed by City.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
4-16-91	AMPEL	Const. Permit Denial	AQ	Landa	Settled.
4-29-91	R.V. Hopkins, Inc.	Const. Permit Denial	AQ	Landa	Hearing set for 9/17/91.
5-09-91	Lost Canyon Mobile Home Park	Administrative Order	WW	Hansen	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
5-09-91	Joe Wallbaum	401 Denial	WQ	Murphy	Hearing set for 9/24/91.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Clarke Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
5-20-91	Dad's Fuel Stop	Administrative Order	UT	Wornson	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Landa	Hearing set for 9/17/91.
5-20-91	Mason City Municipal Airport/ Dwyer Aircraft Sales, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
5-21-91	The Market of Clear Lake, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
5-31-91	Kenneth Bode	Administrative Order	SW	Kennedy	Negotiating before filing.
5-31-91	Cargill, Inc.	Certificate to Construct	AQ	Landa	Process application through Utility Board.
6-27-91	Twin View Heights	Administrative Order	WS	Kennedy	Negotiating before filing.
7-05-91	Mason City Iron & Metal Co.	Administrative Order	AQ	Landa	Sent to DIA.
7-08-91	Ringgold County Hospital	Administrative Order	AQ	Landa	Negotiating before filing.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Landa	Sent to DIA.
7-22-91	The Chantland Company	Permit Denial	AQ	Landa	New case.
7-24-91	Alter Trading Corp.	Administrative Order	SW	Murphy	New case.

E91Aug-19

August 1991

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
AUGUST 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-24-91	Clow Valve Co.	Const. Permit Denial	AQ	Landa	Negotiating before filing.
7-26-91	American Recycling, Inc.	Administrative Order	AQ	Landa	Negotiating before filing.
7-26-91	Go-Tane Service Station	Administrative Order	UT	Wornson	New case.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Landa	New case.

Discussion took place regarding the administrative appeal process and it's effectiveness.

Clark Yeager asked Amy Couch, former Administrative Law Judge with Department of Inspections and Appeals (I & A), if she would provide the Commission with her thoughts on how the appeal process is working.

Ms. Couch explained her role in the appeal process as a former Administrative Law Judge and related that she would be willing to give an overview of how the process looked from the I & A end. She added that she does not know about the process after her role in it, the segment where negotiations take place between the parties and DNR lawyers in settling cases.

Director Wilson commented that the Commission might want to consider having several individuals provide information and evaluation on the various steps of the process.

Chairperson Hartsuck asked that Mike Murphy give an overview of the administrative appeal process and follow it up with Ms. Couch's thoughts on the subject.

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION--CHAPTER 30, TEMPORARY AIR TOXICS FEE

Peter Hamlin, Bureau Chief, Air Quality and Solid Waste Protection Bureau, presented the following item.

As part of the 1991 legislation, House File 683 requires that persons owning or operating facilities which will be required to obtain an operating permit under the federal Clean Air Act of 1990 pay a temporary air toxics fee. The fee is twenty-five dollars per ton of hazardous air pollutant emitted and is due November 1.

The proposed Chapter 30 sets forth a fee schedule, the manner, time and place of filing the fee.

The Commission is requested to approve publication of a Notice of Intended Action for hearings to be held October 8, 9, and 10, 1991.

(Rule is shown on the following 6 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to Iowa Code section 455B.133, the Environmental Protection Commission proposes to adopt a new 567--Chapter 30, "Temporary Air Toxics Fee."

This chapter establishes a temporary air toxics fee of twenty-five dollars per ton of hazardous air pollutant emitted to be paid by persons owning or operating facilities which will be required to obtain an operating permit pursuant to Title V of the federal Clean Air Act of 1990. A fee schedule, the manner, time and place of filing are provided.

The Department will conduct three public hearings to receive comments on these proposed rules. They will be held at the following times and places: at 11:00 a.m. on October 8, 1991 in the auditorium, University of Iowa, Oakdale Campus, Oakdale Hall, Oakdale, Iowa (Exit 240, I-80 to Highway 965); at 10:00 a.m. on October 9, 1991 in the fourth floor conference room, Wallace State Office Building, Des Moines, Iowa; and at 11:00 a.m. on October 10, 1991 in the meeting room, Atlantic Municipal Utilities, 15 West Third, Atlantic, Iowa.

Persons wishing to make written comments concerning this proposal should submit them to Christine Spackman, Air Quality Section, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, (FAX #515/281-8895) through October 11, 1991.

These rules are intended to implement the 1991 Acts, House File 683, Iowa Code section 455B.133A.

The following rules are proposed:

ITEM 1. Amend rule 567--20.3(455B) by adding the following new subrule 20.3(6):

20.3(6) Temporary air toxics fee form. Form 542-1413 shall be completed in accordance with the instructions for completion of the form provided by the department.

ITEM 2. Add the following new Chapter 30, "Temporary Air Toxics Fee" as follows:

Chapter 30

Temporary Air Toxics Fee

567--30.1(455B) Authority, purpose and applicability.

30.1(1) Authority. Pursuant to Iowa Code section 455B.133A, the department has authority to collect fees for air emissions of the hazardous air pollutants listed in Title III of the federal Clean Air Act of 1990. These fees shall be collected until the operating permit fees are established by rule and approved by the United States environmental protection agency. Monies collected or received by the department shall be deposited in the air contaminant source fund.

30.1(2) Purpose. The purpose of these rules is to provide an orderly and efficient process for the assessment and collection of the temporary air toxics fees. These rules clarify the applicability of the fees and set forth a fee schedule and means of filing.

30.1(3) Applicability. Fees shall apply to persons who own or operate a source which shall be required to obtain an operating permit pursuant to Title V of the federal Clean Air Act of 1990. This includes:

a. Any person who owns or operates an affected source as provided in Title IV of the Act (acid deposition control).

b. Any person who owns or operates a source subject to subrules 23.1(2) or 23.1(3) (new source performance standards or emissions standards for hazardous air pollutants).

c. Any person who owns or operates a major source. A major source means any stationary source (or any group of stationary sources located within a contiguous area and under common control) that is any of the following:

- (1) A major stationary source as defined in paragraph 22.5(1)"a".
- (2) A major source of hazardous air pollutants. This means a source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.

30.1(4) List of hazardous air pollutants. The following is the initial list of hazardous air pollutants included in Title III of the Clean Air Act of 1990:

<u>CAS NUMBER</u>	<u>CHEMICAL NAME</u>
90040	O-ANISIDINE
79345	1,1,2,2-TETRACHLOROETHANE
79005	1,1,2-TRICHLOROETHANE
57147	1,1-DIMETHYLHYDRAZINE
120821	1,2,4-TRICHLOROBENZENE
96128	1,2-DIBROMO 3-CHLOROPROPANE
122667	1,2-DIPHENYLHYDRAZINE
106887	1,2-EPOXYBUTANE
75558	1,2-PROPYLENIMINE (2-METHYL AZIRIDINE)
106990	1,3-BUTADIENE
542756	1,3-DICHLOROPROPENE
1120714	1,3-PROPANE SULTONE
106467	1,4-DICHLOROBENZENE(P)
123911	1,4-DIOXANE(1,4-DIETHYLENEOXIDE)
540841	2,2,4-TRIMETHYLPENTANE*
1746016	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN*
95954	2,4,5-TRICHLOROPHENOL
88062	2,4,6-TRICHLOROPHENOL
94757	2,4-D,SALTS AND ESTERS
51285	2,4-DINITROPHENOL
121142	2,4-DINITROTOLUENE
95807	2,4-TOLUENE DIAMINE
584849	2,4-TOLUENE DISOCYANATE
53963	2-ACETYLAMINOFLUORENE
532274	2-CHLOROACETOPHENONE
79469	2-NITROPROPANE
91941	3,3'-DICHLOROBENZIDENE
119904	3,3'-DIMETHOXYBENZIDINE
119937	3,3'-DIMETHYLBENZIDINE
101144	4,4'-METHYLENEBIS (2-CHLOROANILINE)
107779	4,4'-METHYLENEDIANILINE
534521	4,6-DINITRO-O-CRESOL, AND SALTS
92671	4-AMINODIPHENYL
92933	4-NITROBIPHENYL
100027	4-NITROPHENOL
75070	ACETALDEHYDE
60355	ACETAMIDE
75058	ACETONITRILE
98862	ACETOPHENONE*
107028	ACROLEIN

79061	ACRYLAMIDE
79107	ACRYLIC ACID
107131	ACRYLONITRILE
107051	ALLYL CHLORIDE
62533	ANILINE
0	ANTIMONY COMPOUNDS
0	ARSENIC COMPOUNDS (INORGANIC INCLUDING ARSINE)
1332214	ASBESTOS
71432	BENZENE(INCLUDING BENZENE FROM GASOLINE)
92875	BENZIDINE
98077	BENZOTRICHLORIDE
100447	BENZYL CHLORIDE
0	BERYLLIUM COMPOUNDS
57578	BETA-PROPIOLACTONE
92524	BIPHENYL
117817	BIS(2-ETHYLHEXYL)PHTHALATE(DEHP)
542881	BIS(CHLOROMETHYL) ETHER
75252	BROMOFORM
0	CADMIUM COMPOUNDS
156627	CALCIUM CYANAMIDE
105602	CAPROLACTAM*
133062	CAPTAN
63252	CARBARYL
75150	CARBON DISULFIDE
56235	CARBON TETRACHLORIDE
463581	CARBONYL SULFIDE
120809	CATECHOL
133904	CHLORAMBEN
57749	CHLORDANE
7782505	CHLORINE
79118	CHLOROACETIC ACID
108907	CHLOROBENZENE
510156	CHLOROBENZILATE
67663	CHLOROFORM
107302	CHLOROMETHYL METHYL ETHER
126998	CHLOROPRENE
0	CHROMIUM COMPOUNDS
0	COBALT COMPOUNDS
0	COKE OVEN EMISSIONS*
1319773	CRESOLS/CRESYLIC ACID (ISOMERS & MIXTURE)
98828	CUMENE
0	CYANIDE COMPOUNDS
3547044	DDD*
334883	DIAZOMETHANE
132649	DIBENZOFURAN
84742	DIBUTYLPHTHALATE
111444	DICHLOROETHYL ETHER(BIS(2-CHLOROETHYL)ETHER)
62737	DICHLORVOS
111422	DIETHANOLAMINE
64675	DIETHYL SULFATE
60117	DIMETHYL AMINOAZOBENZENE
68122	DIMETHYL FORMAMIDE*
131113	DIMETHYL PHTHALATE
77781	DIMETHYL SULFATE

79447	DIMETHYLCARBAMOYL CHLORIDE
106898	EPICHLOROHYDRIN (1-CHLORO-2,3-EPOXYPROPANE)
140885	ETHYL ACRYLATE
51796	ETHYL CARBAMATE (URETHANE)
75003	ETHYL CHLORIDE (CHLOROETHANE)
100414	ETHYLBENZENE
106934	ETHYLENE DIBROMIDE (DIBROMOETHANE)
107062	ETHYLENE DICHLORIDE (1,2-DICHLOROETHANE)
107211	ETHYLENE GLYCOL
151564	ETHYLENE IMINE (AZIRIDINE)
75218	ETHYLENE OXIDE
96457	ETHYLENE THIOUREA
75343	ETHYLIDENE CHLORIDE (1,1-DICHLOROETHANE)*
0	FINE MINERAL FIBERS*
50000	FORMALDEHYDE
0	GLYCOL ETHERS
76448	HEPTACHLOR
118741	HEXACHLOROBENZENE
87683	HEXACHLOROBUTADIENE
77474	HEXACHLOROCYCLOPENTADIENE
67721	HEXACHLOROETHANE
822060	HEXAMETHYLENE-1,6-DIISOCYANATE*
680319	HEXAMETHYLPHOSPHORAMIDE
100543	HEXANE*
302012	HYDRAZINE
7647010	HYDROCHLORIC ACID (HYDROGEN CHLORIDE (GAS ONLY))
7664393	HYDROGEN FLUORIDE (HYDROFLUORIC ACID)
123319	HYDROQUINONE
78591	ISOPHORONE*
0	LEAD COMPOUNDS
58899	LINDANE (ALL ISOMERS)
108394	M-CRESOL
108383	M-XYLENE
108316	MALEIC ANHYDRIDE
0	MANGANESE COMPOUNDS
78933	MEHTYL ETHYL KETONE (2-BUTANONE)
0	MERCURY COMPOUNDS
67561	METHANOL
72435	METHOXYCHLOR
74839	METHYL BROMIDE (BROMOMETHANE)
74873	METHYL CHLORIDE (CHLOROMETHANE)
71556	METHYL CHLOROFORM (1,1,1-TRICHLOROETHANE)
60344	METHYL HYDRAZINE
74884	METHYL IODIDE (Iodomethane)
108101	METHYL ISOBUTYL KETONE (HEXONE)
624839	METHYL ISOCYANATE
80626	METHYL METHACRYLATE
1634044	METHYL TERT-BUTYL ETHER
75092	METHYLENE CHLORIDE (DICHLOROMETHANE)
101688	METHYLENE DIPHENYL DIISOCYANATE (MDI)
121697	N,N-DIMETHYLANILINE
684935	N-NITROSO-N-METHYLUREA
62759	N-NITROSODIMETHYLAMINE
59892	N-NITROSOMORPHOLINE

91203	NAPTHALENE
0	NICKEL COMPOUNDS
98953	NITROBENZENE
95487	O-CRESOL
95534	O-TOLUIDINE
95476	O-XYLENE
106445	P-CRESOL
106503	P-PHENYLENEDIAMINE
106423	P-XYLENE
56382	PARATHION
82688	PENTACHLORONITROBENZENE (QUINTOBENZENE)
87865	PENTACHLOROPHENOL
108952	PHENOL
75445	PHOSGENE
7803512	PHOSPHINE*
7723140	PHOSPHORUS
85449	PHTHALIC ANHYDRIDE
1336363	POLYCHLORINATED BIPHENYLS (AROCLORS)
0	POLYCYCLIC ORGANIC MATTER*
23386	PROPIONALDEHYDE
114261	PROPOXUR (BAYGON)
78875	PROPYLENE DICHLORIDE (1,2- DICHLOROPROPANE)
75569	PROPYLENE OXIDE
91225	QUINOLINE
106514	QUINONE
0	RADIONUCLIDES (INCLUDING RADON)*
0	SELENIUM COMPOUNDS
100425	STYRENE
96093	STYRENE OXIDE
127184	TETRACHLOROETHYLENE (PERCHLOROETHYLENE)
7550450	TITANIUM TETRACHLORIDE
108883	TOLUENE
8001352	TOXAPHENE (CHLORINATED CAMPHENE)
79016	TRICHLOROETHYLENE
121448	TRIETHYLAMINE*
1582098	TRIFLURALIN
108054	VINYL ACETATE
593602	VINYL BROMIDE
75014	VINYL CHLORIDE
75354	VINYLDENE CHLORIDE (1,1-DICHLOROETHYLENE)
1330207	XYLENES (ISOMERS AND MIXTURE)

*Not required to be reported under Section 313, Federal Emergency Planning and Community Right-to-Know Act.

567--30.2(455B) Fee schedule.

30.1(1) Fees due. A person required to pay the temporary air toxics fee shall pay the fee by November 1 but no later than November 30.

30.1(2) Fee. An annual fee of twenty-five dollars per ton of hazardous air pollutants emitted.

a. Hazardous air pollutants listed in the Clean Air Act of 1990 and reported under section 313 of the federal Emergency Planning and Community Right-to-Know Act. Pay twenty-five dollars per ton times the emissions reported under section 313 for the previous year.

b. Other hazardous air pollutants listed in the Clean Air Act of 1990. Pay twenty-five dollars per ton as estimated using the methodology, including threshold determinations and de minimus exclusions, provided in section 313 of federal Emergency Planning and Community Right-to-Know Act, for the previous year.

30.1(3) A person who is subject to the fee who emits a fraction of a ton of hazardous air pollutants shall pay a proportional fee equal to the fraction of a ton.

567--30.3(455B) Form, manner, time and place of filing.

30.3(1) Form. Any person to whom this chapter applies must file a completed Form 542-1413, "Temporary Air Toxics Fee," which is provided by the department as specified in subrule 20.3(6)(455B).

30.3(2) Manner, time and place. Fees are due on November 1 for the previous calendar year. The person shall present or mail the completed form with the appropriate fees to: Attn: Air Toxics Fee, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034.

30.4(455B) Reports and record keeping.

30.4(1) All records used in determining the air toxics fee must be kept by the person subject to the fee for a period of three (3) years from the due date of the form.

30.4(2) All records required under this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is duly designated by the director.

567--30.5(455B) Failure to pay fees. If the director finds that a person has failed to pay the fees assessed by this chapter, the director shall enforce the collection of the delinquent fees. A person required to pay the fees who fails to pay the fees by November 30 shall pay a penalty of ten percent (10%) of the fee due in addition to the fee due.

Date

Larry J. Wilson, Director

Mr. Hamlin gave an explanation of the rules. He noted that the money collected from the fees will be used to enable the department to implement requirements of the new Clean Air Act passed by Congress last November. Mr. Hamlin stated that Jack Soener, Association of Business & Industry, reviewed the rules and suggested that chemicals be listed numerically first, then follow with an alphabetical listing. He expanded on diminuous levels already built into the system. Mr. Hamlin explained that in order to get the rules in place prior to November 1, action is requested by the Commission today.

Discussion followed.

Clark Yeager asked if the 10% penalty fee is the same for a person who is 364 days late as it is for a person who is one day late.

Mr. Hamlin replied that the penalty is 10% no matter how late the fees are paid.

Commissioner Yeager stated that he would prefer that the percentage be changed to a specific percentage each month which would increase as delinquency increases.

Mr. Hamlin stated that he believes the 10% figure is in the legislation, and if so, it would take a legislative change.

Gary Priebe asked how many tons a large generator will emit in a year.

Jack Soener stated that some companies will be paying as high as \$15,000 per year. He added that the department and industry will face a massive job in implementing the Clean Air Act. He related that there will be 175 different sets of rules coming down from EPA.

Motion was made by Nancy Lee Siebenmann to approve Notice of Intended Action--Chapter 30, Temporary Air Toxics Fee with a possible change in the penalty area. Seconded by Clark Yeager. Motion carried unanimously.

PUBLIC PARTICIPATION

Chairperson Hartsuck announced Public Participation at 11:00 a.m.; no one requested to speak.

EMERGENCY ADOPTED RULE--CHAPTER 135, UNDERGROUND STORAGE TANKS - SITE CLEANUP REPORTING

Peter Hamlin, Bureau Chief, Air Quality and Solid Waste Protection Bureau, presented the following item.

Senate File 362, enacted during the last session of the Iowa General Assembly, amended provisions of Chapter 455B.474 Code of Iowa; which require the Commission to adopt rules addressing, among other things, investigation, remediation and cleanup of contamination from underground storage tank installations. These amendments directed a streamlined approach to responses to these situations by authorizing a prioritization of contaminated sites, based upon the degree of risk posed by those sites; and providing for the possibility of differing response actions depending upon

the priority of the site. Further, the amendments provide for a single "site cleanup report" which would address both site investigation and remediation activities. These amendments to Chapter 135 are meant to implement these statutory changes.

Copies of the amendments will be forwarded to the Commission under separate cover. The Commission will be asked to adopt these rules through emergency provisions AND approve a notice of intended action to take the rules through the normal rulemaking procedures.

Emergency adoption is warranted in order to allow for implementation of these new procedures during this construction season. Many leaking underground storage tank cases could be covered by these new provisions, with many falling under less rigorous requirements than currently in force as a result of these amendments. Emergency adoption will allow these cases to move forward to timely and appropriate response actions under the new provisions. Waiting for normal rulemaking processes would further prolong needed response actions to environmental threats and possibly subject many tank owners to more rigorous response actions than will be required under the amended rules. The rules, as emergency adopted, can be further refined as a result of public comments received during normal rulemaking procedures.

(Rule is shown on the following 13 pages)

CHAPTER 135 REVISIONS
TECHNICAL STANDARDS for UNDERGROUND STORAGE TANKS

ITEM 1. Amend rule 135.2 by adding the following new definitions:

"Aquifer" means a saturated bed, formation or group of formations which yield water at a rate of at least 2 gallons per minute which has a total dissolved solids concentration less than 2,500 mg/l.

"Best available technology" means those practices which most effectively remove, treat, or isolate contaminants from groundwater, soil or associated environment, as determined through professional judgement considering actual equipment or techniques currently in use, published technical articles, site hydrogeology and research results, engineering and groundwater professional reference materials, consultation with experts in the field, and guidelines or rules of other regulatory agencies.

"Best management practices" means maintenance procedures, schedule of activities, prohibition of practices, and other management practices, or a combination thereof, which, after problem assessment, is determined to be the most effective means of monitoring and preventing additional contamination of the groundwater and soil.

"Site assessment investigation" means an investigation conducted by a registered groundwater professional to determine relevant site historical data, the types, amounts, and sources of petroleum contaminants present, hydrogeological characteristics of the site, full vertical and horizontal extent of the contamination in soils and groundwater, direction and rate of flow of the contamination, ranges of concentration of the contaminants by analysis of soils and groundwater, the vertical and horizontal extent of the contamination exceeding department standards, and the actual or potential threat to public health and safety and the environment.

"Site cleanup report" means a written report, prepared by a registered groundwater professional, which includes all relevant information, methodologies, findings and conclusions from a site assessment investigation, site classification and recommended corrective action based on the site classification.

ITEM 2. Amend subrule 135.3(1) paragraph "e" as follows:

e. Certification of installation. All owners and operators must ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with paragraph "d" of this subrule by providing a certification of compliance on the UST notification form in accordance with 135.3(3).

(1) The installer has been certified by the tank or piping manufacturers; or

(2) The installer has been certified or licensed by the department Iowa Petroleum Underground Storage Tank Fund Board; or

(3) The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or

(4) The installation has been inspected and approved by the department an inspector certified or licensed by the Iowa Petroleum Underground Storage Tank Fund Board; or

(5) All work listed in the manufacturer's installation checklists has been completed; or

(6) The owner and operator have complied with another method for ensuring compliance with paragraph "d" that is determined by the department to be no less protective of human health and environment.

ITEM 3. Amend subrule 135.3(2) paragraph "a" as follows:

a. Alternatives allowed. Not later than December 22, 1998, all existing UST systems must comply with one of the following requirements:

(1) New UST system performance standards under 135.3(1);

(2) The upgrading requirements in paragraphs "b" and "d" below; or

(3) Closure requirements under 135.89(455B), including applicable requirements for corrective action under 135.78(455B).

Replacement or upgrade of a tank on a petroleum contaminated site classified as a high or low risk in accordance with subrule 135.8(3) shall be a double wall tank or a tank equipped with a secondary containment system with monitoring of the space between the primary and secondary containment structures in accordance with 135.5(4)"q" or other approved tank system or methodology approved by the Iowa Petroleum Underground Storage Tank Fund Board. All piping shall be of double wall construction or equipped with secondary containment in the zone in which the pipes are running or the installation of a system which allows for drainage into a sump when a suction system is utilized. An alternative to secondary containment is the installation of a single wall tank with automatic tank gauging and automatic line leak detection systems approved by the EPA.

ITEM 4. Amend subrules 135.6(1) and 135.6(2) as follows:

135.6(1) Reporting of suspected releases. Owners and operators of UST systems must report to the department within 24 hours, or within 6 hours in accordance with 567-Chapter 131 if a hazardous condition exists as defined in 567-131.1(455B), or another reasonable time period specified by the department, and follow the procedures in ~~135-6(3)~~ 135.8(1) for any of the following conditions:

a. The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).

b. Unusual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced; and

c. Monitoring results from a release detection method required under 135.5(2) and 135.5(3) that indicate a release may have occurred unless:

(1) The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial results; or

(2) In the case of inventory control, a second month of data does not confirm the initial result.

135.6(2) Investigation due to off-site impacts. When required by the department, owners and operators of UST systems must follow the procedures in ~~135-6(3)~~ 135.8(1) to determine if the UST system is the source of off-site impacts.

These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that has been observed by the department or brought to its attention by another party.

ITEM 5. Rescind existing subrule 135.6(3) and renumber existing 135.6(4) as 135.6(3).

ITEM 6. Amend subrule 135.7(2) as follows:

135.7(2) Initial response. Upon confirmation of a release in accordance with ~~135.6(3)~~ 135.8(1) or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release or within another reasonable period of time specified by the department.

ITEM 7. Amend subrule 135.7(3)"a"(5) as follows:

135.7(3)"a"(5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and the source of the release have been confirmed in accordance with the site check requirements by ~~135.6(3)"b"~~ 135.8(1) or the closure site assessment ~~135.8(3)"a"~~ 135.9(3)"a". In selecting sample types, sample locations, and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

ITEM 8. Amend subrule 135.7(5) as follows:

135.7(5) Free product removal. At sites where investigations under 135.7(3) "a"(6) indicate the presence of free product, owners and operators must remove the free product to the maximum extent practicable as determined by the department while continuing, as necessary, any actions initiated under 135.7(2) to 135.7(4), or preparing for actions required under 135.7(6) and ~~135.7(7)~~ 135.8. In meeting the requirements of this subrule, owners and operators must:

a. Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeological conditions at the site, and that properly treats, discharges or disposes of recovery by-products in compliance with applicable local, state and federal regulations;

b. Use abatement of free product migration as a minimum objective for the design of the free product removal system;

c. Handle any flammable products in a safe and competent manner to prevent fires or explosions; and

d. Unless directed to do otherwise by the department, prepare and submit to the department, within 45 days after confirming the release, a free product removal report that provides at least the following information:

(1) The name of the person(s) responsible for implementing the free product removal measures;

(2) The estimated quantity, type, and thickness of free product observed or measured in the monitoring, boreholes, and excavations;

(3) A schematic and narrative description ~~The type of the~~ free product recovery system used;

(4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;

(5) A schematic and narrative description The--type of the treatment system applied-to, and the effluent quality expected from any discharge;

(6) The steps that have been or are being taken to obtain necessary permits for any discharge; and

(7) Disposition of the recovered free product-;

(8) Free product plume map; and

(9) The estimated volume of free product present, how the volume was calculated, recoverable volume and estimated recovery time.

ITEM 9. Amend subrule 135.7(6) as follows:

135.7(6) Investigations--for--soil--and--groundwater Conditions requiring site cleanup reports.

a. In order to determine the full extent and location of soils contaminated by the release, and the presence and concentrations of dissolved product contamination in the groundwater, and site risk classification and applicable corrective action response; owners and operators must conduct site assessment investigations of the release, the release site, and the surrounding area possibly affected by the release and prepare a site cleanup report, if any of the following conditions exist:

(1) There is evidence that groundwater wells or surface waters have been affected by the release (e.g., as found during release confirmation or previous corrective action measures);

(2) Free product is found to need recovery in compliance with 135.7(5);

(3) There is evidence that contaminated soils may be in contact with groundwater (e.g., as found during conduct of the initial response measures or investigations required under 135.7(1) to 135.7(5); and

(4) Data obtained during any investigation conducted at the site indicate the soil or groundwater contamination corrective action levels under 135.8(8) have been exceeded;

(5) There is evidence that petroleum substances or vapors are present, or have the potential to be present, in concentrations sufficient to be harmful to public health or cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined space; or

(6) The department requests an investigation the preparation of a site cleanup report, based on the potential effects of contaminated soil or groundwater on the environment. and groundwater-resources;

b. The owners or operators must submit the information collected under paragraph "a" of this subrule as soon as practicable or in accordance with a schedule established by the department.

ITEM 10. Rescind subrules 135.7(7) through 135.7(10).

ITEM 11. Adopt a new rule 135.8 and renumber existing rule 135.8 to be 135.9, 135.9 to be 135.10, and 135.10 to be 135.11.
567--135.8(455B) Site cleanup report.

135.8(1) Release investigation and confirmation steps. Unless corrective action is initiated in accordance with rule 135.7(2)(455B), owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under 135.6(1) within seven days, or another reasonable time period specified by the department, using either the following steps or another procedure approved by the department:

a. System test. Owners and operators must conduct tests (according to the requirements for tightness testing in 135.5(4)"c"

and 135.5(5)"b") that determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping or both.

(1) Owners and operators must repair, replace or upgrade the UST system, and begin corrective action in accordance with rule 135.8(455B) if the test results for the system, tank, or delivery piping indicate the a leak exists.

(2) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.

(3) Owners and operators must conduct a site check as described in paragraph "b" of this subrule if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

b. Site check. Owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release.

(1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators must begin corrective action in accordance with rule 135.78(455B);

(2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

135.8(2) General.

a. At any time after reviewing the information submitted in compliance with 135.7(2) to 135.7(4), the department may require owners and operators to submit additional information or to develop and submit a site cleanup report for responding to contaminated soils and groundwater. If a report is required, owners and operators must submit the report according to a schedule and form or format prescribed by IDNR. Alternatively, owners and operators may, after fulfilling the requirements of 135.7(2) to 135.7(4), choose to submit a site cleanup report for responding to contaminated soil and groundwater. In either case, owners and operators are responsible for submitting a site cleanup report that provides adequate protection of human health, safety, and the environment on a form or in a format prescribed by IDNR. The report must be modified as necessary to meet these standards.

b. The site cleanup report must include, but not be limited to, a detailed discussion of the site assessment investigation procedures and findings, ~~site risk categorization and the corrective or no~~ action response recommendation. The site cleanup report must be submitted in a form or format prescribed by IDNR.

c. The department will approve the site cleanup report prepared by a registered groundwater professional after determining that implementation of the report will adequately protect human health, safety, and the environment. In making this determination, the department will consider the following factors as appropriate:

135.8(3) Site assessment investigation procedures and findings. The following are the minimum requirements for reporting the results of the site assessment.

a. Site History. Summarization of current and past site ownership, operation, petroleum releases, events that led to the discovery of the contamination and current site status.

b. Topographic Map. A topographic map of the site and surrounding area developed from work done at the site, city surveys where available or USGS maps.

c. Groundwater Contour Map. A groundwater contour map of the site indicating the direction of groundwater flow is required. Groundwater contours and elevations at each data point used for contouring must be labeled. Contours must be consistent with observed water level elevations. It must include a description of groundwater flows and explain any anomalous water levels. Describe any fluctuations in the water level which may occur, with special emphasis on groundwater elevations and geological conditions which may alter the general groundwater gradient or flow directions.

d. Site Maps. Provide two site maps. Map #1 must show the site plan and immediate surrounding area (scale 1 inch = 20 to 50 feet). Map #2 must show the site in relation to general area features (scale 1 inch = 200 to 500 feet). The maps must show, but not be limited to:

(1) Location and content of existing and removed USTs, product lines and dispensers.

(2) Pertinent site features (i.e., buildings, roads, water wells, water ways, sinkholes, utility lines, etc.);

(3) Location of soil borings, monitoring wells and natural and man-made conduits and utility lines.

e. Evaluation of Natural and Man-made Conduits. An evaluation must be made of the potential for all natural and man-made conduits and utility lines located within 100 feet from the contaminated groundwater or soil, to act as contaminant migration pathways.

f. Free Product Evaluation. A discussion of how free product was dealt with is required if it was identified at the site. If free phase product is encountered during on-site work, notify the department within 24 hours. Free product removal must be conducted in accordance with 135.7(5).

g. Soil Contamination Plume Maps. Provide contamination plume map or maps depicting the full extent of soils exceeding the soil contamination corrective action level under 135.7(8) and the levels of contamination within the plume.

h. Soil Boring Data and Methodology. Identify and justify methods used to determine the site stratigraphy. Boring spacing must be sufficient to accurately portray site stratigraphy and delineate the outer edge of soil contamination exceeding the corrective action level under 135.8(8). Provide a log for each boring on a form or in a format prescribed by IDNR.

i. Soil Sampling Methodology. Define and explain the soil sampling methodology used during the assessment.

j. Groundwater Contamination Plume Maps. Provide groundwater contamination plume map or maps depicting the full extent of free phase product and dissolved phase contamination exceeding the groundwater corrective action levels under 135.8(7) and the levels of groundwater contamination within the plume. The monitoring well spacing will be dependent on site stratigraphy and must be sufficient

to adequately define the extent of the contamination plume which exceeds the groundwater corrective action standards under 135.7(8).

j. Monitoring Well Construction Methodology and Design Standards. Describe monitoring well construction methodology and provide logs for all wells with design details illustrated.

k. Groundwater Sampling Methodology. Define and explain the groundwater sampling methodology used during the assessment.

l. Analytical Procedures. Provide copies and tabulations of all analytical results on a form or in a format prescribed by IDNR. The laboratory analytical result reporting format and analyses conducted must be provided in accordance with 135.10.

m. Hydraulic Conductivity. Determine the hydraulic conductivity of subsurface materials at the site. Discuss and justify the methodology used in obtaining the values.

n. Hydrogeologic Cross Sections. Provide stratigraphically correlated hydrogeologic cross sections or three-dimensional diagrams which adequately define the spatial relationships of subsurface materials at the site. Ideally, the cross sections should illustrate the materials in the contamination zone. The sections or diagrams must include, at a minimum, the identification of the types and characteristics of the geologic materials present, identification of the contact zones between different geologic materials, (noting zones of high permeability or fracture) and detailed borehole information including borehole location, depth of termination and the depth of zone of saturation.

o. Site Safety. On-site health and safety procedures must conform with applicable OSHA requirements.

p. Plugging Abandoned Wells and Soil Borings. All abandoned wells and borings that access groundwater must be plugged according to Chapter 567--39(455B). DNR Form 542-1226 must be completed and submitted to the department.

q. Leak Source Identification. Identify the source of the petroleum contamination at the site as required by 135.8(1). Provide copies of all analytical and tank and line tightness testing results and supporting field data.

r. Adjacent Property Owners. Include the names and addresses of adjacent property owners that may be affected by the petroleum contamination.

135.8(4) Site Risk Classification. Sites shall be classified as either high risk, low risk or no action required. The risk assessment and classification shall be based on the actual or potential threat to public health and safety and the environment and shall take into account relevant factors, including the presence of petroleum contamination in soils, groundwater, and surface waters, site geology and the effect conduits, barriers and separation distances have on the contamination. The site classification determination must be based on information obtained during the site assessment investigation, as well as historical and general site information.

a. Site Classification Factors. At a minimum, the following factors must be considered during the classification process when:

(1) evaluating for the presence of contamination in soils, include the depth of existing contamination in relation to the ground surface, separation distance of the contamination zone from groundwater, and the morphology and variability of soils in the contamination zone.

(2) evaluating for the presence of contamination in groundwater, include the depth of existing contamination in relation to the ground surface, depth of existing contamination in relation to the ground water level, groundwater flow direction and the relationship between the flow direction and the contamination zone, hydraulic and chemical properties of the aquifer or saturated zone, groundwater uses and the relationship between the contaminated groundwater zone and deeper aquifers.

(3) evaluating for the presence of contamination in surface water, include the location and separation distance from the contamination zone, groundwater system and groundwater flow direction.

(4) evaluating the effects of conduits, barriers and distances on the contamination found in soils, groundwater and surface waters, include the effect of the contamination on such conduits as wells, utility lines, tile lines and drainage systems, the effect conduits have on contaminant transport, whether a well is active or abandoned, what function the utility conduit serves, the existence of barriers, (i.e., buildings, structures, pavement, natural, etc.) and the distance which separates the contamination found in soils, groundwater and surface waters from the conduits and barriers.

(5) the department shall decide the classification based on the recommendation and information provided by the groundwater professional.

b. A site shall be classified high risk if any of the following conditions exist:

(1) The Threshold Limit Value-Time Weighted Average (TLV-TWA) for benzene in occupied structures exceeds or is likely to exceed 10 parts per million for more than 8 hours per day.

(2) The concentration of combustible gases in structures, basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or any other confined space exceeds or is likely to exceed 10% of the lower explosivity limit (LEL).

(3) The surface water quality criteria standards contained in subrule 567--61.3(455B) of the Iowa Administrative Code are exceeded or are likely to be exceeded due to a hydrogeologic connection between the surface water and the contamination zone.

(4) Petroleum contaminated soil exceeding 100 parts per million total organic hydrocarbons is in contact with a utility trench carrying a PVC drinking water transmission line.

(5) The petroleum contamination in utility trenches exceeds the corrective action levels in 135.8(8).

(6) Petroleum contamination is present at concentrations, or concentrations are likely to occur, to cause or be likely to cause physical damage to a utility conduit or a structure.

(7) Soil with a total organic hydrocarbon level greater than 100 parts per million is located within 2,000 feet of an active well used as a public or private water source.

(8) Soil with a total organic hydrocarbon level greater than 100 parts per million is located within the seasonal high groundwater level of an aquifer serving as a public or private water source.

(9) The petroleum release occurred in an area of fractured limestone or karst topography (i.e., topography formed on limestone, gypsum and other rocks by dissolution and characterized by sinkholes, caves and underground drainage).

(10) A public or private water supply is or is likely to be contaminated to the extent that a maximum contaminant level (as

contained in subrule 567--41.3(455) of the Iowa Administrative Code), or in the absence of a maximum contaminant level, an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) is exceeded.

(11) A groundwater aquifer serving as public or private water source or with the potential to serve as a public or private water source is contaminated to the extent that a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code), or in the absence of a maximum contaminant level, an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) is exceeded.

(12) The contaminated groundwater plume is within 150 feet of natural or man-made structures or conduits that could allow the vertical or horizontal migration of contaminants to an aquifer that is used as a public or private water source.

(13) The contaminated groundwater plume is within 2,000 feet of an active well used as a public or private water source.

(14) The material separating a groundwater aquifer serving as a public or private water source or with the potential to serve as a public or private water source from soil with a total organic hydrocarbon level greater than 100 parts₃ per million which has a hydraulic conductivity greater than 10⁻³ meters per day. The separating material must have a hydraulic conductivity less than 10⁻⁴ meters per day, a minimum thickness of three meters, and be free of subsurface discontinuities between the contamination zone and the groundwater aquifer for the site to be not classified high risk. The site will be classified as low risk if the groundwater professional can demonstrate with hydrogeological and risk assessment data that the separating material will prevent or inhibit the migration of contaminants to the water source aquifer to the extent that a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code) or in the absence of a maximum contaminant level an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) will not be exceeded.

c. A site shall be classified low risk if the soil total organic hydrocarbon concentration exceeds 100 parts per million or the groundwater contamination concentrations exceed a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code), or in the absence of a maximum contaminant level an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) but high risk conditions do not exist and are not likely to occur.

d. A site shall be classified as no action required if the soil total organic hydrocarbon concentration is equal to or less than 100 parts per million or the groundwater contamination concentrations is equal to or less than a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code) or in the absence of a maximum contaminant level an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) and high or low risk conditions do not exist and are not likely to occur.

e. Sites shall be reclassified to higher or lower risk classification if any of the conditions under 155.8(4)'b', 'c' or 'd' occur.

A site classified as high risk due only to vapor concentrations stated in subparagraphs 135.8(4)"b" (1) and (2), may be reclassified as a low risk site if a permanent solution other than remediation has

resulted in at least one year of vapor free conditions. Sites classified as high risk due only to soil contamination stated in subparagraphs 135.8(4)"b" (4), (5), or (6), may be reclassified as a low risk site if all soils exceeding a correction level is removed for a distance of at least 50 feet from the conduit and replaced with a compacted clay or other soil having a hydraulic conductivity not greater than 10^{-5} meters per day.

135.8(5) Corrective action response. The best available treatment technology or best management practices available to address the contamination at the site must be identified. The recommended best available treatment technology or best management practices must be consistent with the site risk classification. The corrective action response shall be in a form or format prescribed by IDNR and include, but not be limited to, the following:

a. Identification of the phases, phase volumes and concentrations of contamination present at the site resulting from the release of petroleum product from underground storage tanks.

b. Classification of site risk in accordance with the criteria cited under 155.8(3)'b', 'c' or 'd', accompanied by supporting documentation and a detailed explanation and justification of the rationale used to make the determination.

c. Sites classified as high risk shall be remediated to the extent that the groundwater does not exceed a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code) or in the absence of a maximum contaminant level an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) and the soil does not exceed 100 parts per million total organic hydrocarbons, or alternative levels approved by the department.

d. Sites classified as low risk shall be subject to best management practices which will include contamination monitoring conducted according to the following schedule. Sites shall be monitored according to the previous higher monitoring schedule as established by this subrule if at any time the contamination concentration has increased or moved by a significant amount:

(1) Up to three times per year from years one through three.

(2) Up to two times per year from years four through six.

(3) One time per year from years seven through nine.

(4) In the twelfth year the site shall be monitored one time. The site shall be reclassified as a no action site if there has been no significant increase in concentration or movement of the contamination.

e. For sites classified as high risk, identify at least two practically applicable treatment technologies available to address the contamination at the site. Include cost estimates for each technology with a breakdown of capital, operation and maintenance costs. Explain the environmental and public health benefits, and the estimated time of cleanup of all contamination phases for each technology option being considered.

f. Selection of corrective action treatment technology. Select and provide a detailed justification for implementing the best available treatment technology. An innovative design selection must be accompanied by system operational and technical data that will support the best available treatment technology selection.

g. For sites classified as low risk, provide a best management practices plan. The plan must include maintenance procedures,

schedule of activities, prohibition of practices, and other management practices, or a combination thereof, which, after problem assessment, are determined to be the most effective means of monitoring and preventing additional contamination of the groundwater and soil. The plan will also contain a contamination monitoring proposal as required under 135.8(5)'d' containing sufficient sampling points to assure the detection of any significant movement of or increase in contaminant concentration.

h. Provide a discussion of the measures taken to repair, upgrade or close leaking underground storage tanks and piping systems.

i. Free product removal must be conducted as required under 135.7(5).

135.8(6) Site cleanup report approval.

a. The department will approve the site cleanup report upon determination that implementation of the corrective action response will adequately protect human health, safety, and the environment. In making this determination, the department will consider the following factors as appropriate:

(1) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence and potential for migration;

(2) The hydrological and hydrogeological characteristics of the site and the surrounding area;

(3) The proximity, quality, and current and future uses of nearby surface water and groundwater;

(4) The potential effects of the residual contamination on nearby surface water and groundwater;

(5) An exposure assessment; and

(6) Any information assembled in compliance with this rule.

b. Upon approval of the site cleanup report or as directed by the department, owners and operators must implement the corrective action recommendations, including any modifications required by the department. Owners and operators must monitor, evaluate, and report the results of corrective action activities in accordance with the schedule and on a form or in a format required by IDNR.

c. The department may, in the interest of minimizing environmental or public health risks and promoting a more effective cleanup, require owners and operators to begin cleanup of soil and groundwater before the site cleanup report is approved.

135.8(7) Public participation.

a. For each confirmed release that is classified as high or low risk, the department must provide notice to the public by means designated to reach those members of the public directly affected by the release and the recommended corrective action response. This notice may include, but is not limited to, public notice in local newspapers, block advertisements, public service announcements, publication in a state register, letters to individual households, or personal contacts by the staff.

b. The department must insure that site release information and decisions concerning the site cleanup report are made available to the public for inspection upon request.

c. Before approving the site cleanup report, the department may hold a public meeting to consider comments on the proposed corrective action response if there is sufficient public interest, or for any other reason.

d. The department must give a public notice that complies with paragraph "a" above if the implementation of the approved site cleanup report does not achieve the established cleanup levels in the report and the termination of that report is under consideration by the department.

135.8(8) Contamination Corrective Action Levels. The following corrective action levels apply to petroleum contamination as regulated by this chapter. The contaminant concentrations must be determined by laboratory analysis as stated in 135.10. Final cleanup determination is not limited to these contaminants.

	Total Organic Hydrocarbon as products stored (TOH)	Benzene	Toluene	Xylene	Ethyl- benzene
Soil	100 mg/kg	-----	-----	-----	-----
Groundwater	-----	5 ug/L	2,420 ug/L	12,000 ug/L	700 ug/L

135.8(9) Certificates.

a. Monitoring certificate. The department of natural resources will issue a monitoring certificate to the owner of an underground storage tank site classified as low risk. The monitoring certificate will be valid until the site is reclassified to a high risk or no action required site. A site which has been issued a monitoring certificate shall not be eligible to receive a certificate evidencing completion of remediation until the site is reclassified as no action required. The monitoring certificate will be invalidated and the site reclassified to high risk if it is determined by the department that the owner of the site is not in compliance with the requirements specified in the monitoring certificate.

b. Certificate of completion of site remediation. Upon written request of an underground storage tank owner, the department of natural resources will issue a certificate to the owner evidencing completion of a remedial action by cleaning the site to then current standards or alternative levels as determined by the department. The following conditions apply:

(1) The written request to the department for the certificate must be made after receiving the department's letter acknowledging compliance with the current standards or alternative levels as approved by the department.

(2) The certificate will be issued if the department does not order further remediation work to be performed within 90 days of the department's letter acknowledging compliance with current standards or alternative standards as approved by the department.

(3) A person issued a certificate shall not be required to perform further remediation.

(4) The certificate shall not prevent the department from ordering remediation of a new release or a release of a regulated substance from an unregulated tank.

(5) The certificate will not constitute a warranty of any kind to any person as to the condition, marketability or value of the described property.

ITEM 12. Amend renumbered 135.10(3) as follows:

135.10(3) Analysis of soil and water for high volatile petroleum compounds (i.e. gasoline, benzene, toluene, xylene). Sample preparation and analysis shall be by Method OA-1, "Method for Determination of Volatile Petroleum Hydrocarbons(Gasoline)." revision

1/10/90 7/1/91, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 5030, 8000, and 8015, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-1 are available from the department.

ITEM 13. Amend renumbered 135.10(4) as follows:

135.10(4) Analysis of soil and water for low volatile petroleum hydrocarbon contamination(i.e. all grades of diesel fuel, fuel oil, kerosene, oil, mineral spirits). Sample preparation and analysis shall be by Method OA-2, "Determination of Extractable Petroleum Products (and Related Low Volatility Organic Compounds)," revision 1/10/90 7/1/91, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 3500, 3510, 3520, 3540, 3550, 8000, and 8100, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-2 are available from the department.

ITEM 14. Due to the adoption of a new rule 135.8, the rescission of subrules 135.7(7) through 135.7(10) the rescission and redesignation of 135.6(3) and the renumbering of former rules 135.8 and 135.9, all rules in chapter 135 referencing these renumbered rules have been amended accordingly. These are considered technical and not substantive changes.

Mike Earley indicated that he will abstain from discussion and vote on this item due to a conflict of interests.

Mr. Hamlin explained the rules detailing high risk, low risk and no risk prioritization of sites. He stated that staff met with several groups on these rules and made some changes based on their input. Mr. Hamlin emphasized that these rules have a sense of urgency as the whole business of dealing with underground storage tanks is on hold until these rules are in effect.

Rozanne King expressed concern with 135.8(2)a in reference to the words "At any time." She noted that maybe there should be a time limit for requiring additional information.

Mr. Hamlin stated that he would be willing to look at inserting some kind of time frame in the rules.

Clark Yeager asked if these rules will go back through the regular rulemaking process after they have been approved.

Mr. Hamlin responded that the rules will go back through the regular rulemaking procedure and public hearings will be held.

Motion was made by Clark Yeager to approve Emergency Adopted Rule--Chapter 135, Underground Storage Tanks - Site Cleanup Reporting. Seconded by Rozanne King. Motion carried unanimously with the exception of Mike Earley abstaining.

EMERGENCY ADOPTED RULE--CHAPTER 134, GROUNDWATER PROFESSIONALS
REGISTRATION

Peter Hamlin, Bureau Chief, Air Quality and Solid Waste Protection Bureau, presented the following item.

Senate File 362, enacted during the last session of the Iowa General Assembly, amended Section 455G.17A Code Of Iowa. These amendments require that a person who provides consulting services relative to subsurface soils and groundwater contamination, or who contract to perform remediation or corrective action services in response to leaking underground storage tanks must be registered with the Department. The Commission is required to adopt rules governing the registration of these "groundwater professionals". New Chapter 134 sets forth the requirements and procedures for registration of "groundwater professionals". These proposed rules will be forwarded to the Commission under separate cover. The Commission will be asked to emergency adopt these rules AND approve taking them to public hearing through normal rulemaking processes. Emergency adoption is warranted in order to not unduly delay the registration of persons so engaged as "groundwater professionals" and ensure timely and appropriate response to leaking underground tank situations. The rules, as adopted emergency, can be further refined as a result of any public comments received during the normal rulemaking process.

(Rule is shown on the following 2 pages)

NEW CHAPTER 134
REGISTRATION OF GROUNDWATER PROFESSIONALS

ITEM 1. Add the following new Chapter 134:

567--134.1(455B) Definition. A "groundwater professional" is a person who provides subsurface soil contamination and groundwater consulting services, or who contracts to perform or who supervises remediation or corrective action services at leaking underground storage tank sites. A person who engages only in installation or removal of underground storage tanks and piping is not a "groundwater professional" for the purposes of this chapter.

567--134.2(455B) Registration requirements.

134.2(1) A groundwater professional must register as provided in 134.3 before engaging in activities described in 134.1, except that a person engaging in activities described in 134.1 need not be registered if that person is under direct supervision of a registered groundwater professional when engaging in such activities.

134.2(2) In order to register as a groundwater professional a person must be one or more of the following:

a. A person certified by the American Institute of Hydrology as a Professional Hydrologist, Professional Hydrogeologist, or Professional Hydrologist (Ground Water).

b. A person certified by the National Water Well Association or Association of Groundwater Scientists and Engineers as a Groundwater Professional.

c. A person certified by the American Board of Industrial Hygiene as an Industrial Hygienist.

d. A professional engineer registered in Iowa.

e. A professional geologist certified by a national organization (e.g., American Institute of Professional Geologists, American Association of Petroleum Geologists, Society of Independent Earth Scientists).

f. Any person with five years of direct or related experience and training as a groundwater professional or in the field of earth sciences as of June 10, 1991.

g. Any person with a license, certification, or registration to practice hydrogeology or groundwater hydrology issued by any state in the United States or by a national organization, provided that the license, certification, or registration process requires, at a minimum, all of the following:

(1) Possession of a bachelor's degree from an accredited college.

(2) Five years of related professional experience.

567--134.3(455B) Registration Procedure.

134.3(1) Application for registration shall be made by completing a form provided by the department and submitting evidence of meeting the requirements found in subrule 134.2(2)

(i.e. copy of certificate, license, description of experience and training).

134.3(2) Registration fee. The initial registration and each renewal application must be accompanied by a non-refundable fee in the form of a check or money order note payable to the Department of Natural Resources. The registration fee is two hundred dollars (\$200) every two years and must be renewed biennially by January 1 of each even numbered year (i.e. 1994, 1996, etc.). No pro-ration of registration fees will be done.

134.3(3) Deadline for application. A person must be registered in order to provide services as a groundwater professional after January 1, 1992. The initial application and registration fee must be submitted by November 1, 1991.

134.3(4) Registration issuance and renewal.

a. Upon receipt, review and acceptance of the application and registration fee, the department shall furnish the applicant with a registration document showing the name of the individual and the expiration date.

b. In order to remain valid, a groundwater professional registration must be renewed prior to the expiration date specified on the registration document. Renewal applications must be made on a form provided by the department, and received by the department or postmarked at least sixty (60) days prior to the expiration date of the registration then in effect. The renewal application must be accompanied by the registration fee specified in 134.3(2).

567--134.4 Revocation and denial of registration.

134.4(1) Basis for revocation or denial. The department may revoke or deny registration as a groundwater professional for any of the following reasons:

a. Material misstatement of facts in an application for registration.

b. Failure to provide the fee for registration.

c. Loss of license, certification, or registration necessary to meet the registration requirements in 134.2(2).

d. Insufficient proof of qualifications required under 134.2(2).

e. Material misstatement of facts or misrepresentation of information required to be provided pursuant to 455G and Part 8 455B Code of Iowa.

134.4(2) Appeal. A person may appeal a denial or revocation of a registration as a groundwater professional under the provisions of 567--Chapter 7(455B).

567--134.5 Penalty. A groundwater professional who fails to register with the Department of Natural Resources as required in this chapter is subject to a civil penalty of fifty dollars (\$50).

Mr. Hamlin gave a brief explanation of the rules.

Mike Earley indicated that he will abstain from discussion and vote on this item due to a conflict of interest.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve Emergency Adopted Rule--Chapter 134, Groundwater Professionals Registration. Seconded by Clark Yeager. Motion carried unanimously with the exception of Mike Earley abstaining.

BUDGET REVIEW - FY 92

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached are schedules presenting the FY92 operating budget, including both a recap at the agency level, and by each operating division. Capitals and special funds are not included, but will be presented to the commissions as available.

Most divisions reflect downward adjustments related to budget reductions made by the G.A. and due to the 3.25% reduction. In several areas, increased receipts have cushioned the effect of limited State resources.

The attached schedules present the following information:

1. Actual resource and expenditure data for FY89 and FY90.
2. Actual resource and expenditure data for FY91 as of 6/30/91. This does not reflect support expenditures related to FY91 that will be made during July and August. Also, end of year adjustments are not made for resources.
3. The Department Revised budget for FY91. Note: this does not reflect the deappropriation actions for FY91 made by the G.A.
4. The column headed "Leg Act FY" is DOM's best estimate of the G.A.'s action related to FY92. There are some errors in the resources column.
5. The column of most interest is the far right hand column, "Dept Revised" for FY92. This column represents the DNR's operating budget and is net of the 3.25% General fund reduction. This column represents the DNR's appropriated spending limits adjusted for the 3.25% reduction and other adjustments related to fine tuning available resources and expenditures.

Major impacts by division are as follows:

1. The Director's office budget does not include the Deputy Director's position.
2. Coordination and Information: Due to FTE limits imposed by G.A. action, a vacant position was eliminated, and six planning positions were transferred to other divisions.
3. Administrative Services: The budget reflects the elimination of six positions by G.A. action, and holding an additional four positions vacant. Telephone costs were moved from the central office cost pool and assigned to individual programs.
4. Parks, Preserves and Recreation: Three planning positions were moved from C&I to this division. A high vacancy factor is budgeted within this division. Support costs are budgeted very closely. To a limited extent, the decrease in General fund support was offset with the recent increase in camping fees.
5. Forests and Forestry: Additional federal support has allowed the division to add staff for Farm Forestry services. Increased nursery receipts allows that portion of the program to operate at current levels.
6. Energy and Geology: The budget indicates operations at about the current level. However, it is likely that Energy activities will be constrained by limits on earmarked revenues.
7. Environmental Protection: The FY92 budget assumes continuing the high level of activity in Storage Tank and Groundwater areas. Additionally, Air Quality programs will be increased, supported with the imposition of special fees.
8. Fish and Wildlife: Several additional positions are budgeted for the Mississippi Long-Term Monitoring project, funded with 100% Federal funds. The remainder of the division would operate at about the current level, although support areas and equipment purchases have been reduced somewhat.
9. Waste Management Authority: The General Assembly authorized a program expansion involving six additional positions. This division is supported with Groundwater and Federal receipts. Funds may be available to support part of the expansion, but it is unlikely all six positions will be added.
10. Other Programs: The Green Thumb program and the U.S.G.S. Cooperative program have been continued at previous levels. Balances from several Groundwater accounts were transferred to the General fund at the end of FY91 by legislative action. The loss of these funds will constrain the Storage Tank programs to a limited extent.

This material is presented for information purposes. More detail, and capitals, will become available as supporting data in

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the DNR's budget request for FY93/94. The recent layoffs will affect the FY92 budget, but the extent is not known at this point.

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	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
RESOURCES						
APPROPRIATIONS						
GHF-BIG SPRINGS MONITORING-D	\$ 614,776	\$ 692,895	\$ 654,075	\$ 690,930	\$ 592,592	\$ 613,653
GHF-GEN'L PROVISIONS-DNR	804,234	814,402	869,229	792,701	513,167	599,294
GHF-LANDFILL ALTERNATIVES-DN	55,529					
GHF-LANDFILL MONITORING-DNR	179,171					
GHF-RURAL WELLS ASSESSMENT-D	270,337	6,854				
GHF-STORAGE TANKS STUDY-DNR	352,203	62,739	66,225	124,556	125,644	200,431
GHF-HOUSEHOLD HAZ WASTE-DNR	139,981	136,347	160,031	100,481	100,524	207,977
GHF-WELL TESTING ADMIN 2/-DN	10,814	41,931	40,288	60,715	61,195	71,675
GHF-GMTR MONITORING-DNR	225,882	235,390	292,402	1,013,521	1,329,610	1,272,033
GHF-WASTE MGMT AUTH.-DNR	158,495	180,316	152,286	61,514		
GHF-LANDFILL ALTERNATIVES-DN	58,184	199,544	198,877	56,082	57,282	107,348
GF-NATURAL RESOURCES OPERATNS	11,780,426	13,411,699				
F&G-OPERATIONS-DNR	15,894,938	17,179,415				
MFT-OPERATIONS-DNR	400,000	400,000	400,000	400,000		
APPROPRIATIONS SUBTOTAL	30,944,970	33,361,532	2,833,413	3,300,508	2,780,014	3,072,411
RECEIPTS						
FEDERAL SUPPORT	5,521,959	6,175,381	5,310,642	8,511,309	8,556,090	8,957,045
LOCAL GOVERNMENTS	6,000					
INTRA STATE RECEIPTS	1,205,689	2,275,646	37,177,903	3,093,664	3,998,619	4,521,925
REIMB. FROM OTHER AGENCIES	90,826		60,424			137,273
FEES, LICENSES & PERMITS	1,616	9,644	30,272	8,000	8,000	153,753
REFUNDS & REIMBURSEMENTS	435,972		314,861			711,218
SALE OF EQUIPMENT & SALVAGE					5,000	
RENTS & LEASES					1,337,255	
AGRICULTURAL SALES					86,000	
OTHER SALES & SERVICES	41,203	42,902	27,202	37,000	1,212,000	7,600
UNEARNED RECEIPTS					2,400	
RECEIPTS SUBTOTAL	7,303,265	8,503,573	42,921,304	11,649,973	15,205,364	14,488,814
TRANSFERS						
GENERAL FUND - NATURAL RES.				116,209	55,893	1,000
GENERAL FUND - NATURAL RES.				932,462	725,672	54,076
GENERAL FUND - NATURAL RES.				1,930,094	1,580,181	670,665
GENERAL FUND - NATURAL RES.				5,625,910	5,377,899	1,550,181
GENERAL FUND - NATURAL RES.				1,716,801	1,617,265	5,203,117
GENERAL FUND - NATURAL RES.				1,374,429	1,323,941	1,564,704
GENERAL FUND - NATURAL RES.				2,069,577	1,973,992	1,311,313
F&G FND-DNR - NATURAL RES.				2,888,006	2,663,106	1,909,837
F&G FND-DNR - NATURAL RES.				5,144,307	5,154,669	2,663,106
						5,133,669

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RESOURCES						
TRANSFERS						
F&G FND-DNR - NATURAL RES.				4,710,374	4,773,909	4,773,908
F&G FND-DNR - NATURAL RES.				5,207,838	5,181,922	5,161,922
F&G FND-DNR - NATURAL RES.				184,541	184,848	224,848
GENERAL FUND - NATURAL RES.					450,000	450,000
CONS FND - NATURAL RES.	1,912,671	1,546,262		1,574,655		
CONS ADMIN - NATURAL RES.	316,500	523,850		593,000		466,581
CONS FND - NATURAL RES.		755,238		751,000		
GENERAL FUND - NATURAL RES.					150,000	132,533
TOTAL RESOURCES	\$ 40,477,406	\$ 44,690,455	\$ 45,754,717	\$ 49,777,692	\$ 49,206,675	\$ 48,832,685
FTE POSITIONS	931.23	947.54	948.95	1012.14	1005.64	1020.93
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 27,524,803	\$ 29,987,672	\$ 32,648,992	\$ 33,660,576	\$ 33,687,846	\$ 34,182,265
PERSONAL TRAVEL IN STATE	764,941	829,046	681,848	979,488	938,550	760,553
STATE VEHICLE OPERATION	797,571	796,611	813,128	916,134	919,034	888,880
DEPRECIATION	1,050,635	1,118,120	1,148,855	1,229,902	1,255,602	1,241,617
PERSONAL TRAVEL OUT OF STATE						158,279
OFFICE SUPPLIES	788,409	899,089	677,501	768,337	768,637	792,929
FACILITY MAINTENANCE SUPPLIE	851,989	1,189,614	739,841	989,125	913,125	829,748
EQUIPMENT MAINTENANCE SUPPLI	822,568	859,451	776,791	841,703	840,703	793,572
PROF. & SCIENTIFIC SUPPLIES	2,974	3,452	56,812	76,950	98,950	49,700
AG., CONSERVATION & HORT SUPP	441,058	438,588	319,853	450,730	450,730	438,420
OTHER SUPPLIES	340,470	400,834	254,507	277,595	277,595	324,197
PRINTING & BINDING	621,322	819,170	618,777	894,055	834,092	803,227
UNIFORMS & RELATED ITEMS	181,536	201,295	57,348	206,570	206,570	201,175
COMMUNICATIONS	540,620	595,455	579,853	571,372	571,372	591,066
RENTALS	140,341	149,611	142,940	140,775	140,775	174,092
UTILITIES	623,081	643,689	576,174	652,627	652,627	656,996
PROF & SCIENTIFIC SERVICES	2,455,746	2,350,611	2,037,014	4,184,914	3,593,093	2,816,256
OUTSIDE SERVICES	504,102	600,279	488,414	609,079	609,079	556,535
INTRA-STATE TRANSFERS		15,035			426,566	
ADVERTISING & PUBLICITY	25,920	47,776	25,176	43,950	43,950	36,841
DATA PROCESSING	306,438	294,481	291,076	383,952	388,152	424,690
AUDITOR OF STATE REIMBURSEME	107,108	140,079	81,398	80,000	80,000	85,300
REIMBURSEMENTS TO OTHER AGEN	181,063	216,010	195,542	178,018	177,868	260,467
EQUIPMENT	1,397,208	1,295,502	770,693	1,539,563	1,229,482	1,759,333
OTHER EXPENSE & OBLIGATIONS	3,381	1,543	4,353	4,300	4,300	4,300

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DISPOSITION OF RESOURCES						
EXPENDITURES						
LICENSES	1,746	1,034	875	3,977	3,977	2,247
STATE AID		595,050	80,833	94,000	94,000	
EXPENDITURES SUBTOTAL	40,475,110	44,489,097	44,068,594	49,777,692	49,206,675	48,832,685
TRANSFERS						
INDUSTRIAL SERV - OPERATION		170,000				
REVERSIONS	2,296	31,358				
UNSPENT BALANCE			1,686,123			
TOTAL DISPOSITION OF RESOURCES	\$ 40,477,406	\$ 44,690,455	\$ 45,754,717	\$ 49,777,692	\$ 49,206,675	\$ 48,832,685

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	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
RESOURCES						
APPROPRIATIONS						
GMF-BIG SPRINGS MONITORING-D	\$ 977	\$ 954	\$ 900	\$ 1,144	\$ 1,414	\$ 1,720
GMF-GEN'L PROVISIONS-DNR	3,763	3,866	4,633	3,813	4,731	3,080
GMF-STORAGE TANKS STUDY-DNR	4,588		2,227	478	583	
GMF-HOUSEHOLD HAZ WASTE-DNR	700	1,018	1,225	398	485	933
GMF-WELL TESTING ADMIN 2%-DN	303	477	398	449	552	469
GMF-GMTR MONITORING-DNR	2,571	2,201	3,230	9,409	11,606	8,595
GMF-WASTE MGMT AUTH.-DNR	1,607	1,572				
GMF-LANDFILL ALTERNATIVES-DN	1,075	1,895	2,215	528	658	765
GR-NATURAL RESOURCES OPERTNS	92,981	73,780				
F&G-OPERATIONS-DNR	99,330	135,628				
APPROPRIATIONS SUBTOTAL	207,895	221,391	14,828	16,219	20,029	15,562
RECEIPTS						
FEDERAL SUPPORT	50,732	47,162		53,792	65,009	48,259
INTRA STATE RECEIPTS	5,933	10,602	256,769	15,816	446,111	9,538
REFUNDS & REIMBURSEMENTS	3,685					
RECEIPTS SUBTOTAL	60,350	57,764	256,769	69,608	511,120	57,797
TRANSFERS						
GENERAL FUND - NATURAL RES.				116,209	55,893	54,076
F&G FND-DNR - NATURAL RES.				141,838	126,196	115,470
TOTAL RESOURCES	\$ 268,245	\$ 279,155	\$ 271,597	\$ 343,874	\$ 713,238	\$ 242,905
FTE POSITIONS	4.00	5.95	4.92	5.95	4.95	4.95
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 197,397	\$ 213,897	\$ 232,331	\$ 269,374	\$ 212,310	\$ 167,531
PERSONAL TRAVEL IN STATE	32,372	38,686	26,367	40,000	39,862	40,000
OFFICE SUPPLIES	477	1,702	602	2,000	2,000	2,000
EQUIPMENT MAINTENANCE SUPPLI	973	709	585	750	750	750
OTHER SUPPLIES	143	1,005	172	1,200	1,200	1,200
PRINTING & BINDING	18,848	15,457	13,329	14,000	14,000	14,000
COMMUNICATIONS	105					3,000
PROF & SCIENTIFIC SERVICES		30		6,000	6,000	3,000
OUTSIDE SERVICES	1,154	2,083		2,000	2,000	2,000
INTRA-STATE TRANSFERS					426,566	

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DISPOSITION OF RESOURCES						
EXPENDITURES						
DATA PROCESSING	3,588	2,544	1,532	4,800	4,800	4,800
REIMBURSEMENTS TO OTHER AGEN	1,660	767	335	750	750	750
EQUIPMENT	9,234	2,275		3,000	3,000	3,874
EXPENDITURES SUBTOTAL	265,951	279,155	275,253	343,874	713,238	242,905
REVERSIONS	2,296					
UNSPENT BALANCE			-3,656			
TOTAL DISPOSITION OF RESOURCES	\$ 268,245	\$ 279,155	\$ 271,597	\$ 343,874	\$ 713,238	\$ 242,905

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	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
RESOURCES						
APPROPRIATIONS						
GHF-BIG SPRINGS MONITORING-D	\$ 4,561	\$ 3,833	\$ 2,956	\$ 3,865	\$ 3,380	\$ 6,547
GHF-GEN'L PROVISIONS-DNR	184,965	124,803	162,177	87,829	86,717	61,909
GHF-STORAGE TANKS STUDY-DNR	21,412		7,318	42,117	41,893	5,943
GHF-HOUSEHOLD HAZ WASTE-DNR	3,265	4,090	4,026	1,345	1,161	3,550
GHF-HELL TESTING ADMIN 2%-DN	1,412	1,919	1,309	1,516	1,321	1,784
GHF-GHTR MONITORING-DNR	11,999	8,844	10,613	31,790	27,752	32,714
GHF-HASTE MGMT AUTH.-DNR	7,498	6,318				
GHF-LANDFILL ALTERNATIVES-DN	5,017	7,616	7,279	1,786	1,575	2,913
GF-NATURAL RESOURCES OPERITS	771,694	802,850				
F&G-OPERATIONS-DNR	463,538	545,072				
APPROPRIATIONS SUBTOTAL	1,475,361	1,505,345	195,678	170,248	163,799	115,360
RECEIPTS						
FEDERAL SUPPORT	386,257	328,268	147,472	361,682	336,304	417,733
INTRA STATE RECEIPTS	27,686	79,093	1,346,175	114,815	163,155	79,972
REFUNDS & REIMBURSEMENTS	17,195				50,000	
RENTS & LEASES					230,000	
OTHER SALES & SERVICES						
RECEIPTS SUBTOTAL	431,138	407,361	1,493,647	476,497	779,459	497,705
TRANSFERS						
GENERAL FUND - NATURAL RES.				932,462	725,672	670,665
F&G FND-DNR - NATURAL RES.				479,244	550,208	439,495
CONS ADMIN - NATURAL RES.	316,500	523,850		593,000		466,581
TOTAL RESOURCES	\$ 2,222,999	\$ 2,436,556	\$ 1,689,325	\$ 2,651,451	\$ 2,219,138	\$ 2,189,806
FTE POSITIONS	41.40	39.06	37.70	41.45	33.95	33.45
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 1,451,024	\$ 1,471,177	\$ 1,584,345	\$ 1,628,693	\$ 1,265,743	\$ 1,355,340
PERSONAL TRAVEL IN STATE	33,438	45,209	19,945	59,800	51,800	22,750
STATE VEHICLE OPERATION	7,538	8,984	9,689	11,306	11,306	11,221
DEPRECIATION	12,315	14,460	14,940	17,200	17,200	18,160
PERSONAL TRAVEL OUT OF STATE						9,250
OFFICE SUPPLIES	74,174	86,169	51,630	82,500	81,500	102,350
FACILITY MAINTENANCE SUPPLIE	11,773	18,157	16,405	24,000	23,000	19,000

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DISPOSITION OF RESOURCES						
EXPENDITURES						
EQUIPMENT MAINTENANCE SUPPLI	10,139	13,275	9,496	12,000	11,000	12,000
PROF. & SCIENTIFIC SUPPLIES			18,596	20,000	20,000	
AG., CONSERVATION & HORT SUPP	659	235	709	500	500	500
OTHER SUPPLIES	38,696	84,073	46,309	37,100	36,100	65,555
PRINTING & BINDING	339,021	395,115	429,281	400,950	353,387	362,593
UNIFORMS & RELATED ITEMS	4,019	2,518	284	2,850	2,850	2,850
COMMUNICATIONS	11,953	14,688	13,128	12,000	12,000	28,600
RENTALS	1,199	1,692	2,048	850	850	2,350
UTILITIES	28,061	31,885	31,053	29,750	29,750	29,750
PROF & SCIENTIFIC SERVICES	67,492	46,654	23,506	105,000	97,500	8,200
OUTSIDE SERVICES	52,199	69,732	73,125	83,250	83,250	89,100
ADVERTISING & PUBLICITY	5,749	20,385	564	12,500	12,500	6,135
DATA PROCESSING	9,978	12,770	10,515	26,152	23,852	13,450
REIMBURSEMENTS TO OTHER AGEN	4,140	4,228	3,824	5,000	5,000	7,102
EQUIPMENT	57,325	95,150	35,912	80,050	80,050	23,550
EXPENDITURES SUBTOTAL	2,222,892	2,436,556	2,395,304	2,651,451	2,219,138	2,189,806
REVERSIONS	107					
UNSPENT BALANCE			-705,979			
TOTAL DISPOSITION OF RESOURCES	\$ 2,222,999	\$ 2,436,556	\$ 1,689,325	\$ 2,651,451	\$ 2,219,138	\$ 2,189,806

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ADMINISTRATIVE SERVICES DIV.

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RESOURCES						
APPROPRIATIONS						
GMF-BIG SPRINGS MONITORING-D	\$ 10,750	\$ 11,979	\$ 8,998	\$ 12,205	\$ 12,671	\$ 25,463
GMF-GEN'L PROVISIONS-DNR	41,393	48,557	46,330	40,677	42,414	45,596
GMF-STORAGE TANKS STUDY-DNR	50,472		22,272	5,105	5,224	
GMF-HOUSEHOLD HAZ WASTE-DNR	7,695	12,781	12,254	4,248	4,352	13,809
GMF-HELL TESTING ADMIN 2%-DN	3,329	5,996	3,983	4,787	4,952	6,939
GMF-GHTR MONITORING-DNR	28,284	27,638	32,299	100,378	104,037	127,239
GMF-MASTE MGMT AUTH.-DNR	17,673	19,746				
GMF-LANDFILL ALTERNATIVES-DN	11,825	23,800	22,152	5,638	5,904	11,331
GF-NATURAL RESOURCES OPERTNS	1,530,786	1,592,350				
F&G-OPERATIONS-DNR	1,955,986	2,268,665				
APPROPRIATIONS SUBTOTAL	3,658,193	4,011,512	148,288	173,038	179,554	230,377
RECEIPTS						
FEDERAL SUPPORT	626,456	670,864	14,775	605,744	614,645	729,996
INTRA STATE RECEIPTS	365,261	447,429	4,075,637	494,562	1,063,656	506,776
REFUNDS & REIMBURSEMENTS	40,530					9,000
RECEIPTS SUBTOTAL	1,032,247	1,118,293	4,090,412	1,100,306	1,678,301	1,245,772
TRANSFERS						
GENERAL FUND - NATURAL RES.				1,938,094	1,588,181	1,550,181
F&G FND-DNR - NATURAL RES.				2,266,924	1,986,702	2,108,141
TOTAL RESOURCES	\$ 4,690,440	\$ 5,129,805	\$ 4,238,700	\$ 5,478,362	\$ 5,432,738	\$ 5,134,471
FTE POSITIONS	118.51	116.30	113.21	124.15	118.15	118.15
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 3,494,669	\$ 3,699,658	\$ 3,934,711	\$ 4,119,712	\$ 4,165,903	\$ 3,951,473
PERSONAL TRAVEL IN STATE	50,541	47,475	44,600	60,350	49,350	53,300
STATE VEHICLE OPERATION	47,846	49,890	55,062	60,500	60,500	60,500
DEPRECIATION	60,650	64,540	66,700	72,500	62,500	74,200
PERSONAL TRAVEL OUT OF STATE						6,000
OFFICE SUPPLIES	365,296	472,551	337,096	346,350	346,350	338,600
FACILITY MAINTENANCE SUPPLIE	366	2,690	1,057	1,700	1,700	6,000
EQUIPMENT MAINTENANCE SUPPLI	72,296	81,320	38,867	50,000	50,000	52,000
OTHER SUPPLIES	13,110	15,117	5,598	15,500	15,500	11,700
PRINTING & BINDING	25,286	33,594	14,993	37,175	35,175	21,300

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ADMINISTRATIVE SERVICES DIV.

	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
DISPOSITION OF RESOURCES						
EXPENDITURES						
UNIFORMS & RELATED ITEMS	4,734	4,008	1,098	4,200	4,200	3,200
COMMUNICATIONS	207,897	230,031	227,149	238,500	238,500	79,800
RENTALS	4,516	328	258	1,900	1,900	500
OUTSIDE SERVICES	12,731	35,230	52,572	58,350	58,350	51,900
ADVERTISING & PUBLICITY	92	900		1,650	1,650	500
DATA PROCESSING	108,740	83,091	139,160	122,700	122,700	106,500
AUDITOR OF STATE REIMBURSEME	107,108	140,079	81,398	80,000	80,000	85,000
REIMBURSEMENTS TO OTHER AGEN	13,630	29,848	29,986	22,300	22,300	48,150
EQUIPMENT	100,916	139,453	96,956	184,825	86,010	183,798
LICENSES	16	2		150	150	50
EXPENDITURES SUBTOTAL	4,690,440	5,129,805	5,127,261	5,478,362	5,432,738	5,134,471
UNSPENT BALANCE			-888,561			
TOTAL DISPOSITION OF RESOURCES	\$ 4,690,440	\$ 5,129,805	\$ 4,238,700	\$ 5,478,362	\$ 5,432,738	\$ 5,134,471

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PARKS, PRES. & RECREATION DIV.

	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
RESOURCES						
APPROPRIATIONS						
GF-NATURAL RESOURCES OPERTNS	\$ 4,849,311	\$ 5,412,523	\$ 400,000	\$ 400,000	\$	\$
MFT-OPERATIONS-DNR	400,000	400,000				
APPROPRIATIONS SUBTOTAL	5,249,311	5,812,523	400,000	400,000		
RECEIPTS						
FEDERAL SUPPORT	11,362	32,590	15,000	65,500	65,500	40,342
INTRA STATE RECEIPTS	453,760	298,551	5,514,624	364,499	364,880	2,112,745
SALE OF EQUIPMENT & SALVAGE					5,000	
RENTS & LEASES					1,287,255	
AGRICULTURAL SALES					86,000	
OTHER SALES & SERVICES					194,000	
UNEARNED RECEIPTS					2,400	
RECEIPTS SUBTOTAL	465,122	331,141	5,529,624	429,999	2,005,035	2,153,087
TRANSFERS						
GENERAL FUND - NATURAL RES.				5,625,918	5,377,899	5,203,117
GENERAL FUND - NATURAL RES.					450,000	450,000
CONS FND - NATURAL RES.	1,412,671	1,546,262		1,574,655		
TOTAL RESOURCES	\$ 7,127,104	\$ 7,689,926	\$ 5,929,624	\$ 8,030,572	\$ 7,832,934	\$ 7,806,204
FTE POSITIONS	204.75	207.73	199.39	217.52	216.52	214.52
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 4,744,549	\$ 5,018,937	\$ 5,312,111	\$ 5,491,289	\$ 5,390,651	\$ 5,501,105
PERSONAL TRAVEL IN STATE	82,668	79,067	63,067	81,248	80,248	86,945
STATE VEHICLE OPERATION	166,404	177,233	181,353	181,406	181,406	190,000
DEPRECIATION	254,870	206,430	221,965	289,769	289,769	226,997
PERSONAL TRAVEL OUT OF STATE						6,000
OFFICE SUPPLIES	60,125	35,545	30,201	45,575	45,575	47,950
FACILITY MAINTENANCE SUPPLIE	511,150	718,202	467,457	560,082	485,082	408,904
EQUIPMENT MAINTENANCE SUPPLI	278,213	309,593	293,401	290,100	290,100	284,750
PROF. & SCIENTIFIC SUPPLIES				1,000	1,000	1,000
AG. CONSERVATION & HORT SUPP	20,246	18,766	14,338	19,500	19,500	21,000
OTHER SUPPLIES	72,373	61,940	35,518	27,247	27,247	38,694
PRINTING & BINDING	27,189	64,455	14,849	103,039	82,039	32,500
UNIFORMS & RELATED ITEMS	42,066	54,695	5,826	50,100	50,100	51,279

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DISPOSITION OF RESOURCES						
EXPENDITURES						
COMMUNICATIONS	79,533	87,422	86,623	66,692	66,692	99,002
RENTALS	24,539	30,758	23,196	24,040	24,040	29,050
UTILITIES	340,385	358,734	304,807	344,451	344,451	349,451
PROF & SCIENTIFIC SERVICES	31,489	44,174	33,598	96,600	96,600	90,055
OUTSIDE SERVICES	198,340	191,647	167,382	165,332	165,332	183,000
ADVERTISING & PUBLICITY	1,596	4,919	676	4,080	4,080	2,550
DATA PROCESSING	6,517	3,431	2,009	8,000	8,000	10,000
REIMBURSEMENTS TO OTHER AGEN	15,395	13,492	26,993	7,425	7,425	7,425
EQUIPMENT	166,275	210,054	91,289	168,200	168,200	134,050
OTHER EXPENSE & OBLIGATIONS	2,826		2,690	2,700	2,700	2,700
LICENSES	463	432	285	2,697	2,697	1,797
EXPENDITURES SUBTOTAL	7,127,211	7,689,926	7,379,434	8,030,572	7,832,934	7,806,204
REVERSIONS	-107					
UNSPENT BALANCE			-1,449,810			
TOTAL DISPOSITION OF RESOURCES	\$ 7,127,104	\$ 7,689,926	\$ 5,929,624	\$ 8,030,572	\$ 7,832,934	\$ 7,806,204

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RESOURCES						
APPROPRIATIONS						
GF-NATURAL RESOURCES OPERTNS	\$ 1,401,417	\$ 1,445,531	\$	\$	\$	\$
RECEIPTS						
FEDERAL SUPPORT	171,851	141,290	361,670	292,000	292,000	458,800
INTRA STATE RECEIPTS			1,671,001			850,000
OTHER SALES & SERVICES					751,000	
RECEIPTS SUBTOTAL	171,851	141,290	2,032,671	292,000	1,043,000	1,308,800
TRANSFERS						
GENERAL FUND - NATURAL RES.				1,716,801	1,617,265	1,564,704
CONS FND - NATURAL RES.	500,000					
CONS FND - NATURAL RES.		755,238		751,000		
TOTAL RESOURCES	\$ 2,073,268	\$ 2,342,059	\$ 2,032,671	\$ 2,759,801	\$ 2,660,265	\$ 2,873,504
FTE POSITIONS	50.77	53.08	56.67	57.71	59.71	59.71
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 1,468,947	\$ 1,625,513	\$ 1,841,989	\$ 1,856,348	\$ 1,871,377	\$ 1,962,174
PERSONAL TRAVEL IN STATE	32,304	44,431	30,568	46,305	45,305	48,500
STATE VEHICLE OPERATION	65,133	68,437	72,246	74,000	74,000	75,000
DEPRECIATION	109,475	135,795	95,160	124,781	124,781	113,300
PERSONAL TRAVEL OUT OF STATE						5,439
OFFICE SUPPLIES	14,660	52,150	23,121	47,220	47,220	20,900
FACILITY MAINTENANCE SUPPLIE	31,136	23,503	37,143	32,420	32,420	38,500
EQUIPMENT MAINTENANCE SUPPLI	55,041	59,252	52,699	57,200	57,200	58,100
AG, CONSERVATION & HORT SUPP	63,958	86,708	67,006	85,118	85,118	92,223
OTHER SUPPLIES	36,935	23,985	30,727	11,000	11,000	49,500
PRINTING & BINDING	8,550	17,544	10,727	14,516	14,516	16,900
UNIFORMS & RELATED ITEMS	12,318	13,335	7,403	14,950	14,950	17,425
COMMUNICATIONS	27,671	29,412	30,062	26,400	26,680	34,800
RENTALS	22,321	23,047	24,141	17,200	17,200	30,000
UTILITIES	30,417	27,542	28,017	28,500	28,500	32,500
PROF & SCIENTIFIC SERVICES	1,500		46,020	40,000	40,000	78,000
OUTSIDE SERVICES	50,974	50,236	43,545	57,350	57,350	40,500
ADVERTISING & PUBLICITY	667	598	719	900	900	900
DATA PROCESSING	18,944	2,076	1,319	1,500	1,500	1,400
REIMBURSEMENTS TO OTHER AGEN	2,953	1,163	121	500	500	300
EQUIPMENT	19,294	57,027	26,621	128,973	15,408	154,043

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DISPOSITION OF RESOURCES						
EXPENDITURES						
LICENSES	70	305	230	340	340	100
STATE AID			80,833	94,000	94,000	
EXPENDITURES SUBTOTAL	2,073,268	2,342,059	2,550,417	2,759,801	2,660,265	2,873,504
UNSPENT BALANCE			-517,746			
TOTAL DISPOSITION OF RESOURCES	\$ 2,073,268	\$ 2,342,059	\$ 2,032,671	\$ 2,759,801	\$ 2,660,265	\$ 2,873,504

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ENERGY & GEOLOGICAL RESOURCES

	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
RESOURCES						
APPROPRIATIONS						
GMF-BIG SPRINGS MONITORING-D	\$ 598,488	\$ 676,129	\$ 641,221	\$ 673,724	\$ 575,127	\$ 579,923
GMF-GEN'L PROVISIONS-DNR	461,257	405,563	298,214	301,678	148,973	212,196
GMF-RURAL WELLS ASSESSMENT-D	250,000					
GF-NATURAL RESOURCES OPERATIONS	1,098,117	1,252,780				
APPROPRIATIONS SUBTOTAL	2,407,862	2,334,472	939,435	975,402	724,100	792,119
RECEIPTS						
FEDERAL SUPPORT	526,511	417,085	271,477	508,593	508,117	539,031
LOCAL GOVERNMENTS	6,000					
INTRA STATE RECEIPTS	187,348	1,011,128	1,367,030	1,705,602	1,359,126	692,322
REIMB. FROM OTHER AGENCIES	90,826		60,424			137,273
FEES, LICENSES & PERMITS	1,616	9,644	30,272	8,000	8,000	153,753
REFUNDS & REIMBURSEMENTS	374,562		142,396			154,747
OTHER SALES & SERVICES	41,203	42,902	27,202	37,000	37,000	7,600
RECEIPTS SUBTOTAL	1,228,066	1,480,759	1,898,801	2,259,195	1,912,243	1,684,726
TRANSFERS						
GENERAL FUND - NATURAL RES.				1,374,429	1,323,941	1,311,313
GENERAL FUND - NATURAL RES.					150,000	132,533
TOTAL RESOURCES	\$ 3,635,928	\$ 3,815,231	\$ 2,838,236	\$ 4,609,026	\$ 4,110,284	\$ 3,920,691
FTE POSITIONS	54.39	56.69	59.12	59.62	59.62	59.62
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 1,873,948	\$ 2,081,752	\$ 2,372,245	\$ 2,360,825	\$ 2,396,404	\$ 2,434,705
PERSONAL TRAVEL IN STATE	63,268	65,878	47,000	95,160	90,160	44,504
STATE VEHICLE OPERATION	23,504	20,438	16,958	28,800	28,800	29,000
DEPRECIATION	23,700	25,430	28,740	27,302	27,302	29,700
PERSONAL TRAVEL OUT OF STATE						30,950
OFFICE SUPPLIES	9,129	17,970	16,645	6,949	6,949	16,629
FACILITY MAINTENANCE SUPPLIES	3,969	3,698	855	1,000	1,000	4,950
EQUIPMENT MAINTENANCE SUPPLIES	7,844	3,788	32,614	40,000	40,000	19,720
PROF. & SCIENTIFIC SUPPLIES	2,940	3,026	13,278	49,500	49,500	27,200
OTHER SUPPLIES	41,557	42,721	33,110	34,510	34,510	39,861
PRINTING & BINDING	16,317	58,722	25,928	70,829	70,829	52,885
UNIFORMS & RELATED ITEMS	33					

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DISPOSITION OF RESOURCES						
EXPENDITURES						
COMMUNICATIONS	18,591	18,523	12,777	18,510	18,510	34,260
RENTALS	2,985	2,179	1,925	2,400	2,400	2,400
UTILITIES	12,514	13,083	11,008	13,175	13,175	13,175
PROF. & SCIENTIFIC SERVICES	1,416,797	1,286,240	1,114,905	1,762,858	1,233,537	906,920
OUTSIDE SERVICES	10,446	23,514	14,097	16,656	16,656	32,035
ADVERTISING & PUBLICITY	191					
DATA PROCESSING	10,724	16,261	9,906	13,400	13,400	19,850
REIMBURSEMENTS TO OTHER AGEN	13,634	9,883	5,422	7,118	7,118	7,540
EQUIPMENT	83,837	122,125	48,720	60,034	60,034	174,407
EXPENDITURES SUBTOTAL	3,635,928	3,815,231	3,806,133	4,609,026	4,110,284	3,920,691
UNSPENT BALANCE			-967,897			
TOTAL DISPOSITION OF RESOURCES	\$ 3,635,928	\$ 3,815,231	\$ 2,838,236	\$ 4,609,026	\$ 4,110,284	\$ 3,920,691

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ENVIRONMENTAL PROTECTION DIV.

	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
RESOURCES						
APPROPRIATIONS						
GMF-GEN'L PROVISIONS-DNR	\$ 112,856	\$ 231,613	\$ 357,875	\$ 358,704	\$ 230,332	\$ 276,513
GMF-LANDFILL MONITORING-DNR	179,171					
GMF-RURAL WELLS ASSESSMENT-D	20,337	6,854				
GMF-STORAGE TANKS STUDY-DNR	275,731	62,739	34,408	76,856	77,944	194,488
GMF-MELL TESTING ADMIN 2%-DN	5,770	35,539	34,598	53,963	54,370	62,483
GMF-GMTR MONITORING-DNR	183,028	196,707	246,260	502,216	504,418	609,194
GF-NATURAL RESOURCES OPERTNS	2,036,120	1,964,266				
APPROPRIATIONS SUBTOTAL	2,813,013	2,495,718	673,141	991,739	867,064	1,142,678
RECEIPTS						
FEDERAL SUPPORT	3,718,701	4,461,108	4,430,151	6,341,214	6,390,576	6,414,088
INTRA STATE RECEIPTS	1,057	106,203	1,947,547	206,486	408,516	57,788
REFUNDS & REIMBURSEMENTS			172,315			547,471
RECEIPTS SUBTOTAL	3,719,758	4,567,311	6,550,013	6,547,700	6,799,092	7,019,347
TRANSFERS						
GENERAL FUND - NATURAL RES.				2,069,577	1,973,992	1,909,837
TOTAL RESOURCES	\$ 6,532,771	\$ 7,063,029	\$ 7,223,154	\$ 9,609,016	\$ 9,640,148	\$ 10,071,862
FTE POSITIONS	128.90	136.79	144.53	160.75	158.75	174.00
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 4,835,856	\$ 5,400,427	\$ 6,043,941	\$ 6,534,541	\$ 6,639,824	\$ 7,005,563
PERSONAL TRAVEL IN STATE	93,473	97,833	107,911	180,000	157,200	123,050
STATE VEHICLE OPERATION	26,338	34,874	36,363	51,000	53,900	62,200
DEPRECIATION	44,275	51,675	56,710	63,000	68,700	66,000
PERSONAL TRAVEL OUT OF STATE						48,000
OFFICE SUPPLIES	25,516	29,269	53,057	40,250	40,550	58,300
FACILITY MAINTENANCE SUPPLIE	2,921	1,699	2,281	2,500	2,500	2,650
EQUIPMENT MAINTENANCE SUPPLI	6,729	9,268	13,782	12,500	12,500	14,950
PROF. & SCIENTIFIC SUPPLIES	34	426	24,938	6,450	6,450	21,500
OTHER SUPPLIES	26,415	19,642	21,425	33,250	33,250	23,475
PRINTING & BINDING	19,560	18,957	7,490	54,870	55,470	48,050
UNIFORMS & RELATED ITEMS	1,775	6,125	3,120	6,200	6,200	4,200
COMMUNICATIONS	29,671	37,180	30,480	43,650	43,650	112,500
RENTALS	45,504	47,910	50,910	47,200	47,200	55,200

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ENVIRONMENTAL PROTECTION DIV.

	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
DISPOSITION OF RESOURCES						
EXPENDITURES						
UTILITIES	8,194	9,382	12,121	14,145	14,145	15,100
PROF & SCIENTIFIC SERVICES	671,596	770,039	663,258	1,790,360	1,735,360	1,376,068
OUTSIDE SERVICES	38,278	37,303	40,982	48,375	48,375	44,520
ADVERTISING & PUBLICITY	2,789	5,600	3,178	5,250	5,250	13,150
DATA PROCESSING	113,172	127,829	90,615	165,000	171,000	217,690
AUDITOR OF STATE REIMBURSEME						300
REIMBURSEMENTS TO OTHER AGEN	18,722	14,698	15,131	17,225	17,075	27,200
EQUIPMENT	521,408	342,788	298,421	492,050	480,349	731,396
OTHER EXPENSE & OBLIGATIONS				700	700	800
LICENSES	465	105	70	500	500	
EXPENDITURES SUBTOTAL	6,532,771	7,063,029	7,584,192	9,609,016	9,640,148	10,071,862
UNSPENT BALANCE			-361,038			
TOTAL DISPOSITION OF RESOURCES	\$ 6,532,771	\$ 7,063,029	\$ 7,223,154	\$ 9,609,016	\$ 9,640,148	\$ 10,071,862

August 1991

Environmental Protection Commission Minutes

NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPARTMENT OPERATIONS

STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1992-1994 BIENNIIUM
ORGANIZATION - BUDGET COMPARISON

SCHEDULE 6 ORGN RECAP
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FISH AND WILDLIFE DIVISION

	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
RESOURCES						
APPROPRIATIONS						
GF-NATURAL RESOURCES OPERTNS	\$	\$	\$	\$	\$	\$
F&G-OPERATIONS-DNR	13,376,084	6,176 14,230,050				
APPROPRIATIONS SUBTOTAL	13,376,084	14,236,226				
RECEIPTS						
INTRA STATE RECEIPTS	164,644	322,640	14,688,707	191,884	193,175	212,784
TRANSFERS						1,000
F&G FND-DNR - NATURAL RES.				5,144,307	5,154,669	5,133,669
F&G FND-DNR - NATURAL RES.				4,710,374	4,773,909	4,773,908
F&G FND-DNR - NATURAL RES.				5,207,838	5,181,922	5,161,922
F&G FND-DNR - NATURAL RES.				184,541	184,848	224,848
TOTAL RESOURCES	\$ 13,540,728	\$ 14,558,866	\$ 14,688,707	\$ 15,438,944	\$ 15,488,523	\$ 15,508,131
FTE POSITIONS	321.02	321.31	320.92	332.24	335.24	337.78
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 9,210,544	\$ 10,102,079	\$ 10,859,210	\$ 10,922,953	\$ 11,078,532	\$ 11,183,655
PERSONAL TRAVEL IN STATE	356,858	375,218	306,236	364,625	364,625	313,044
STATE VEHICLE OPERATION	460,808	436,755	441,457	509,122	509,122	457,959
DEPRECIATION	545,350	619,790	664,640	635,350	635,350	713,260
PERSONAL TRAVEL OUT OF STATE						27,500
OFFICE SUPPLIES	226,321	198,188	158,733	179,993	179,993	188,170
FACILITY MAINTENANCE SUPPLIE	290,674	421,665	214,643	367,423	367,423	349,744
EQUIPMENT MAINTENANCE SUPPLI	391,333	382,246	335,120	379,153	379,153	350,652
PROF. & SCIENTIFIC SUPPLIES					22,000	
AG., CONSERVATION & HORT SUPP	356,195	332,879	237,800	345,612	345,612	324,697
OTHER SUPPLIES	108,685	138,665	79,942	106,288	106,288	84,412
PRINTING & BINDING	124,899	196,876	51,688	146,176	146,176	150,876
UNIFORMS & RELATED ITEMS	116,591	120,614	39,617	128,270	128,270	122,221
COMMUNICATIONS	165,199	178,199	171,510	165,340	165,340	173,804
RENTALS	39,197	43,697	40,454	47,185	47,185	54,592
UTILITIES	203,510	203,063	189,168	222,606	222,606	217,020
PROF & SCIENTIFIC SERVICES	262,872	132,409	80,537	191,441	191,441	159,855
OUTSIDE SERVICES	134,693	172,650	91,688	154,066	154,066	106,330
ADVERTISING & PUBLICITY	14,836	14,764	20,039	19,570	19,570	13,550
DATA PROCESSING	32,146	43,351	33,803	38,000	38,000	44,100

NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPARTMENT OPERATIONS

STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1992-1994 BIENNIIUM
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FISH AND WILDLIFE DIVISION

	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
DISPOSITION OF RESOURCES						
EXPENDITURES						
REIMBURSEMENTS TO OTHER AGEN	96,471	129,635	105,515	105,250	105,250	142,450
EQUIPMENT	402,259	314,390	153,885	409,431	281,431	329,140
OTHER EXPENSE & OBLIGATIONS	555	1,543	1,663	900	900	800
LICENSES	732	190	290	190	190	300
EXPENDITURES SUBTOTAL	13,540,728	14,558,866	14,277,638	15,438,944	15,488,523	15,508,131
UNSPENT BALANCE			411,069			
TOTAL DISPOSITION OF RESOURCES	\$ 13,540,728	\$ 14,558,866	\$ 14,688,707	\$ 15,438,944	\$ 15,488,523	\$ 15,508,131

NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPARTMENT OPERATIONS

STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1992-1994 BIENNIAL
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WASTE MANAGEMENT AUTHORITY

	ACTUAL FY 1988-89	ACTUAL FY90 FY 1989-90	ACTUAL FY FY 1990-91	DEPT REVISED FY1990-91	LEG ACT FY FY 1991-92	DEPT REVISED FY1991-92
RESOURCES						
APPROPRIATIONS						
GMF-LANDFILL ALTERNATIVES-DNR	\$ 55,529	\$ 118,458	\$ 142,526	\$ 94,490	\$ 94,526	\$ 189,685
GMF-HOUSEHOLD HAZ WASTE-DNR	128,321			369,728	681,797	494,291
GMF-GHTR MONITORING-DNR	131,717	152,680	152,286	61,514		
GMF-WASTE MGMT AUTH.-DNR	40,267	166,233	167,231	48,130	49,145	92,339
GMF-LANDFILL ALTERNATIVES-DNR						
APPROPRIATIONS SUBTOTAL	355,834	437,371	462,043	573,862	825,468	776,315
RECEIPTS						
FEDERAL SUPPORT	30,089	77,014	70,097	282,784	283,939	308,796
TOTAL RESOURCES	\$ 385,923	\$ 514,385	\$ 532,140	\$ 856,646	\$ 1,109,407	\$ 1,085,111
FTE POSITIONS	7.49	10.63	12.49	12.75	18.75	18.75
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 247,869	\$ 374,232	\$ 468,109	\$ 476,841	\$ 667,102	\$ 620,719
PERSONAL TRAVEL IN STATE	20,019	35,249	36,154	52,000	60,000	28,460
PERSONAL TRAVEL OUT OF STATE						25,140
OFFICE SUPPLIES	12,711	5,545	6,416	17,500	18,500	18,030
EQUIPMENT MAINTENANCE SUPPLI			227			650
OTHER SUPPLIES	2,556	13,686	1,706	11,500	12,500	9,800
PRINTING & BINDING	41,652	18,450	50,492	52,500	62,500	104,123
COMMUNICATIONS			124			25,300
PROF & SCIENTIFIC SERVICES	4,000	21,065	75,390	192,655	192,655	194,158
OUTSIDE SERVICES	5,287	17,884	5,023	23,700	23,700	7,150
ADVERTISING & PUBLICITY		610				56
DATA PROCESSING	2,629	3,128	2,217	4,400	4,900	6,900
REIMBURSEMENTS TO OTHER AGEN	12,458	12,296	8,215	12,450	12,450	19,550
EQUIPMENT	36,740	12,240	18,889	13,000	55,000	25,075
LICENSES				100	100	
EXPENDITURES SUBTOTAL	385,921	514,385	672,962	856,646	1,109,407	1,085,111
REVERSIONS	2					
UNSPENT BALANCE			-140,822			
TOTAL DISPOSITION OF RESOURCES	\$ 385,923	\$ 514,385	\$ 532,140	\$ 856,646	\$ 1,109,407	\$ 1,085,111

Mr. Kuhn gave a brief explanation of the budget. He stated that the department is approximately 100 people short due to the RIF program and positions that have been left vacant.

Gary Priebe asked what will be done with the Deputy Director position since no money was appropriated for it.

Director Wilson replied that it will remain vacant for the time being. He added that a number of the duties previously handled by the deputy are being assigned to the appropriate staff person.

This was an informational item; no action was required.

PROPOSED CONTESTED CASE DECISION--KEY CITY COAL GAS SITE

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On July 2, 1990, the department issued a Notice of Intent to Include Property on the Registry of Confirmed Abandoned or Uncontrolled Sites, to Murphy Trust and Howard Pixler. That action was appealed and the matter proceeded to administrative hearing on April 30, 1991. The Administrative Law Judge issued

the attached Proposed Findings of Fact, Conclusions of Law, and Order on July 25, 1991. The decision affirms the Department's Notice of Intent.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

APPLICATION FOR REHEARING--HAWKEYE LAND COMPANY

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

At its July, 1991, meeting, the Commission affirmed the decision of the Administrative Law Judge in the contested case of Chicago & North Western Transportation Company, Hawkeye Land Company, and Blue Chip Enterprises, involving an Administrative Order directing these parties to investigate contaminated property. Hawkeye Land Company has requested a rehearing, attached. Pursuant to Iowa Code section 17A.16(2) and subrule 561--7.15(6), Iowa Administrative Code, an application for rehearing is deemed denied unless it is granted within 20 days after its filing. The 20th day after filing is August 19, 1991.

The Commission may grant or deny the application. If you take no action, it will be deemed denied.

Mr. Murphy stated that Hawkeye Land Company requested a rehearing following the Commission's action last month to uphold the ALJ decision. He related that the other two parties in that case filed their appeal with the court. He stated that the Commission has the option to send back for further hearing the matters being addressed by Haweye. He urged the Commission to deny the request since the issues were vigorously argued at last month's meeting.

Brief discussion followed.

Motion was made by Rozanne King to deny Hawkeye Land Company's application for rehearing. Seconded by Charlotte Mohr. Motion carried unanimously.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Ames Golf & Country Club/Jerry Webb (Ames) - water quality
Don Ervin (Webster County) - solid waste
Schildberg Construction Company, Inc. (Atlantic) - flood plain
Honey Creek Camping Resort (Crescent) - drinking water/penalty
Folletts Tavern (Camanche) - drinking water/penalty
The Barn (Sherrill) - drinking water/penalty

Honey Creek Camping Resort

Mike Murphy briefed the Commission on the history of this case.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

Follets Tavern

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

The Barn

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.

LEGISLATION PACKAGE - 1992

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION LEGISLATIVE PROPOSALS
1992 LEGISLATIVE SESSION**

Below is a summary of ideas/proposals for legislative action during 1992. They are not listed in order of priority.

CREATE AN ENVIRONMENTAL TRUST FUND

Amend 455B.105(12) to create an environmental trust fund which is subdivided into accounts for air quality, solid waste, water supply, and water quality. These accounts will be used to fund the administrative costs of the department in operating the programs of appropriate sections of Chapter 455B. The trust fund would operate in a similar manner to the Fish and Wildlife Trust Fund; funds would be appropriated from the trust, and residual funds unexpended at the end of the year would not revert to the general fund, but remain in the trust for their intended use.

Moneys for the trust would be obtained by requiring that rules be adopted which establish a schedule of fees for permits and conditional permits issued by the department, and a schedule of fees to be periodically assessed for the administration of the permits. This will require a rewrite of the entire section, deleting 455B.105(12)(a)1-3 and 455B.105(12)b.

The department has, since approximately 1983, had the authority to charge fees for permits issued under provisions of Chapter 455B. We have exercised this authority only in the areas of water supply, and water withdrawals; however, statute establishes a maximum permit fee in this latter area. Law currently limits the amount of fees that can be charged by linking the charge determination to specific considerations. Also, by law, all fees collected are credited to the General Fund of the state. The department is in dire need of a somewhat stable and predictable source of base funding. Establishing this fund, mandating that fees be charged, and eliminating the limitations on the base for charging fees would help provide such a source. "User charges" are becoming more accepted as a source for paying for certain governmental services, and could help eliminate pressures on general appropriations, although not eliminate entirely the need for continued General Fund appropriations to the department, to fund environmental protection programs. Last session the legislature established a fee structure for air quality permits as required by the recent amendments to the Federal Clean Air Act. Congress is considering amendments to the Federal Clean Water Act which will duplicate these provisions. It can be expected that amendments to other federally mandated

programs, in the future, will include similar provisions. Many states already charge substantial fees for permit issuance. Thus, adoption of this type of provision would not be expected to put Iowa in a disadvantageous position for attracting future development prospects through charging such fees.

AIR QUALITY AUTHORITY CORRECTIONS NECESSARY TO IMPLEMENT THE NEW FEDERAL CLEAN AIR ACT

Amend Division II of Chapter 455B (455B.131 - 170) to:

- (1) Provide authority to the department to issue general permits.
- (2) Provide for criminal penalties for permit violations.
- (3) Eliminate provision requiring permit action within 120 days or grant a permit by default.
- (4) Authority to create a Small Business Technical And Compliance Assistance Program.
- (5) Update the reference to the Federal Clean Air Act from January 1979 to November 1990.
- (6) Authority to impose emission credits for sources subject to acid rain provisions of the Clean Air Act.

These amendments will be needed to allow the state to retain delegation of authority to administer provisions of the Federal Clean Air Act, as recently reauthorized, in Iowa. These changes are necessary to keep our statutory authority equivalent to the federal authority, which is a prerequisite to delegation of authority. By federal law, we are to submit an application for continued delegation to EPA by November 1992; thus it is essential that we get these changes made during this upcoming session.

UNDERGROUND STORAGE TANK LAW AMENDMENTS

Amend 455E.11 to increase the portion of the Underground Storage Tank Management Account allocated to DNR from the present 23% to 40%.

The underground storage tank program has been funded primarily from the federal UST/LUST grant funds that Iowa receives. Originally, these funds came as 100% federal grants. This has now been changed to require a 10% state match on those federal funds, which are used to support staff as well as for cleanup of contamination situations. State funding for underground storage tank activities has been derived by allocating a percentage of the state tank registration and tank management fees to DNR. The current allocation does not provide sufficient state

monies to match all federal funds allocated to the state. These funds are necessary to operate the current program as mandated by federal and state law, including cleanup of contamination situations not covered by state insurance or responsible parties.

WATER SUPPLY / WATER WITHDRAWAL PROGRAM AMENDMENTS

(1) Eliminate the requirement that the department update the state water plan every 5 years (455B.262). This is a state, not a federal, mandated function. As such, no federal grant funding can be used to defray the cost of preparing these plan updates, and all costs associated with this work are paid from state general fund appropriations. Due to budget reductions, staff reductions and staffing constraints, resources simply are not available to perform these updates.

(2) Eliminate the requirement that the department sample water supplies every three years for the presence of ten pesticides and ten synthetic organic compounds (455B.173(6)(b)). This provision was embodied in Iowa law before the U.S. EPA began adopting regulations requiring public water supplies to monitor for over 80 separate synthetic organic compounds. Public water supplies now monitor for a broad range of compounds, which makes this provision duplicative and contradictory to federal requirements which the department is also charged with administering.

(3) Eliminate provision in the water withdrawal program which requires the department to issue new permits within 90 days and renewals within 30 days or grant a permit by default (455B.265). The water withdrawal program is a state program funded entirely by state general fund appropriations. Budget reductions and down sizing of government has drastically reduced staffing of this program. State law requires that the department conduct detailed investigations, conduct public notice and comment, and make specific findings prior to issuance of these permits. This simply cannot be accomplished in many instances with available staff. The department's options, therefore, are either to deny permits because of lack of time to conduct the proper investigations and actions required by law, or to issue permits without following the technical and procedural requirements. This can serve to work hardship on the permit applicants, other water users or both. If the legislature does not want to change this provision, they should then amend existing statute to eliminate most of the procedural requirements prerequisite to permit issuance. This would effectively change the program from one of permitting water uses to a simple registration of water uses.

(4) Authorize the department to deny permits for public water supplies which are not viable, including authority to require systems which are not viable to close within a set schedule (455B.171 - 210). Many of the public water supplies in Iowa are very small and poorly funded. This is especially true of non-community public water supplies and very small community water supplies. These supplies are so poorly equipped and under funded that they really can't serve as a viable public water system and comply with applicable state and federal laws and regulations. These systems take an inordinate amount of staff and financial resources to provide surveillance, technical assistance and enforcement in order to ensure that users of those supplies are provided a safe and healthy potable water source. This bill would allow the department to deny permits to non-viable water supplies which will require users to seek more viable and reliable drinking water sources. Several other states have this type of authority.

WASTEWATER PROGRAM AMENDMENTS

(1) Eliminate the ten year moratorium provision in the wastewater permitting program which prohibits the department from requiring compliance with more stringent effluent limits for ten years after construction (455B.173(2)). This provision is not consistent with the Federal Water Pollution Control Act, which may well jeopardize continued delegation of federal wastewater permitting authority to the state. This provision can also serve to prevent the department from requiring implementation of needed controls on wastewater treatment systems which are needed to protect public health and safety, and the environment.

(2) Provide the department with additional authority in the wastewater program to determine when permits will not be issued (455B.171 - 210). The concept here is similar to the provision in water supply which would allow the department to deny a permit to systems which are not viable wastewater treatment systems. In addition, it would allow the department to exempt certain types of discharges from the need to obtain a permit.

SPECIAL WASTE AUTHORIZATIONS/FLOW CONTROL OF SOLID WASTE

Last session a bill was introduced which would reform the special waste authorization program, and to control the flow of solid waste into and within Iowa. The bill, however, was very complicated and extremely costly. Since these issues will probably be raised again in 1992, it would be advantageous to have reasonable alternative(s) ready.

REQUIRING CLEAN GASOLINE STREAM ENTERING IOWA THROUGH PIPELINES

Require that gasoline entering Iowa through pipelines is "clean" i.e., contains no oxygenates such as methyl tertiary butyl ether (MTBE), which are made from non-renewable resources such as coal and natural gas with petroleum. Implementation of the 1990 Clean Air Act Amendments will require an increase in the consumption of oxygenated fuels to reduce carbon monoxide levels. Oxygenated fuels can be produced by adding ethanol, ethyl tertiary butyl ether (ETBE), or methyl tertiary butyl ether (MTBE) to gasoline; in Iowa, ethanol is added to gasoline at in-state pipeline terminals. This practice may change, however, if refiners respond to increased demand for oxygenated fuels by adding MTBE to gasoline before sending it into the pipelines. By current law, ethanol or ETBE cannot be added to gasoline which already contains MTBE.

REQUIRING ALL GASOLINE SOLD IN THE STATE TO HAVE A MINIMUM 3.1% OXYGEN CONTENT

Require a minimum standard of 3.1% by weight for oxygen levels in gasoline. Ethanol blended fuels will meet this standard. This will increase the market for ethanol from 36.5 million gallons to 128.2 million gallons and would displace 112.8 million pounds of carbon dioxide emissions.

CHANGING THE DEFINITION OF ALTERNATIVE ENERGY TO ENCOURAGE SMALL POWER PRODUCERS USING BIOMASS

Sections 476.41-45 contain provisions to encourage the development of alternative energy production facilities. Rules currently in place to implement these statutory provisions specifically exclude energy production from crops and agricultural residues. In order to include energy production from these sources, the definition of alternative energy should be expanded to include crops and ag. residues.

LEGAL CORRECTIVE AMENDMENTS

- (1) Add "109B" (commercial fishing chapter) to contested case authority of NRC under 455A.5(6)"b".
- (2) Add the word "permits" to the list of actions which can be dealt with using administrative orders / attorney general referrals in section 455B.279(1).

- (3) Amend 455B.278(1) by deleting the phrase "and opportunity for public hearing".

The above amendments would provide clarification of authority. (1) merely adds commercial fishing violations to the other violations that can be appealed to the NRC; (2) and (3) pertain to flood plain and water rights law - adding the word permits (#2) would specifically add permit violations to the types of violations which can be dealt with using administrative orders and actions by the Attorney General, and eliminating "public hearing" before the decision on a permit is made (#3) would be consistent with the procedure the department now follows.

WASTE REDUCTION AND RECYCLING INCENTIVES

(1) Require deposits on household batteries, similar to bottle deposits, with the responsibility for recycling on the battery manufacturer. A mechanism for recycling lead acid batteries (e.g. auto batteries), which puts the responsibility upon the manufacturer, is already in place. A deposit system would provide a mechanism for eliminating household batteries from landfill disposal.

(2) Require all county seats and cities over a minimum population to have waste oil collection sites. This would alleviate the problem with the current shortage of sites available throughout the state.

(3) Revise 455D.11 (tire provisions) to clear up inconsistencies and problem language. Two changes would be beneficial here; (a) exclude non-pneumatic tires from the definition of waste tires, and (b) revise the definition of waste tire collector from an individual that collects/stores 50 tires, to someone handling 500 tires. Non-pneumatic (solid rubber) tires are not being accepted by many tire recyclers, so the landfill disposal ban severely limits disposal options for these tires. As for the definition of waste tire collector, 50 tires is a very small number to handle before falling under the definition of collector.

(4) Strengthen language regarding waste reduction and recycling goals. By July 1st of this year, all sanitary disposal projects must develop a comprehensive plan detailing how solid waste would be managed, including establishing a solid waste reduction program (455B.306). These plans must be fully implemented by 1997. In order to assure that comprehensive solid waste reduction programs will be established and operated by sanitary disposal projects, the statutory language could be strengthened by adding specific actions (e.g., establish a source separation program) which must be undertaken as part of an approved comprehensive plan.

(5) Establish flow control of recyclables. This year a bill was introduced which would permit local governments to form public service monopolies for all solid waste management projects (presently, Chapter 28G permits this for resource recovery facilities only). Authority for forming a 28G could be expanded to include recyclable materials.

CHANGING NAME OF WMAD

Eliminate the word 'authority', or replace it with 'assistance'. This would make the name of the waste management division consistent with the other division names in the department.

Mr. Combs informed the Commission that the list of legislative proposals was developed by staff. He noted that this item is before them today to look at concepts rather than specific wording. Mr. Combs reviewed each proposal and asked the Commission to indicate which bills they would want to pursue.

Clark Yeager indicated that he does not like number (4) under the Water Supply/Water Withdrawal Program Amendments proposal.

At this point the Commission took a lunch break and decided to continue the 1992 Legislation item later in the day.

CONTESTED CASE APPEAL--JOE RINGSDORF

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On January 18, 1991, the department issued Administrative Order No. 91-AQ-01 to Joe Ringsdorf. That action required Mr. Ringsdorf to cease open burning, to properly dispose of solid waste, and to pay a \$1,000.00 penalty. That action was appealed and the matter proceeded to administrative hearing on July 2, 1991. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on July 12, 1991. The decision affirms the department's Order.

Mr. Ringsdorf has appealed this order to the Commission. The Proposed Decision, and Mr. Ringsdorf's appeal are attached. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument. Note that Mr. Ringsdorf has requested that this

matter be reopened for further hearing. You may also direct this. The Department resists this request and asks that you affirm the Administrative Law Judge decision.

Mr. Murphy stated that this case concerns alleged illegal burning of a demolished building in October 1990, in Algona. He briefed the Commission on the administrative hearing and Proposed Decision and related that Mr. Ringsdorf appealed the decision and is asking that the hearing be reopened for him to take additional testimony and receive additional evidence. Mr. Murphy stated that the department resists the request to reopen the hearing.

Gary Priebe stated that he will abstain from discussion and vote on this item due to a conflict of interest because of personal contacts with Mr. Ringsdorf.

APPOINTMENT - JOE RINGSDORF

Joe Ringsdorf, Algona, stated that he had planned on attending the hearing on July 2, 1991, but in visiting with the department he was told that until all correspondence was completed there would not be a hearing. He noted that he does not have the resources to pay a \$1,000 fine and he would like to explain some inaccuracies in the case. Mr. Ringsdorf stated that he hired a contractor to tear down and remove materials from a demolished house he owned. He added that another contractor was to remove the cement foundation a few days later. Mr. Ringsdorf related that there were some leaves under the porch that had never been removed and when he was raking leaves, the leaves under the porch caught fire along with some rubble that was left in the basement. He noted that he was attempting to put the fire out with a garden hose when the Police Department stopped and asked if he needed assistance. He related that he did not need help as he would have it out soon, but the fire later got away from him. Mr. Ringsdorf stated that Findings of Fact 2 & 3 related to another building he had contracted to tear down. Additionally, he objected to the language in Finding of Fact #5 stating that the department received a complaint from the Algona Police Department. He clarified that the police department is required to file a report, which is different than a complaint. Mr. Ringsdorf noted that in Finding of Fact #6 it states Ray Friedrich, Police Chief, had been at the scene; he clarified that Kevin Bangert is Chief of Police, not Ray Friedrich. He stated that Highway 169 is 150 feet from the house and smoke was not endangering traffic at that distance. Mr. Ringsdorf noted that it is the opinion of Sgt. Dale Briggs that the fire was too strong to be set accidentally. He added that the fire chief who was on the scene is better trained in fires to be a judge than what a policeman is. Mr. Ringsdorf also stated that Clarence Metzger did not tell anybody that he saw someone throwing wood into the fire.

Clark Yeager asked Mr. Ringsdorf who in the department told him there would not be a hearing until correspondence is completed.

Mr. Ringsdorf stated that he did not get the name of the person he was talking to. He added that he then wrote to the department and asked for copies of the Code as referred to in the letter.

Mr. Murphy stated that Mr. Ringsdorf did not talk to Vic Kennedy, the staff lawyer working on the case, about the hearing. He added that no one in the department knew of Mr. Ringsdorf talking to anyone on the staff about the hearing. Mr. Murphy added that Vic Kennedy copied and mailed to Mr. Ringsdorf, the portion of the Code he requested.

Nancylee Siebenmann stated that she finds it difficult to reopen the case when adequate and proper notice of the hearing was given. She related that there is no evidence of the telephone conversation and she would not support a rehearing.

Chairperson Hartsuck explained that there are two issues before the Commission, the first is the appeal of the ALJ decision and the second is the request for rehearing. He related that separate action should be taken on each issue.

Motion was made by Mike Earley to affirm the decision of the Administrative Law Judge. Seconded by Nancylee Siebenmann.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Siebenmann, Earley and Hartsuck. "Nay" vote was cast by Commissioners King, Mohr, and Yeager. Motion failed on a vote of 3-Aye to 3-Nay.

(Commissioner Priebe abstained from discussion and vote in this case).

Chairperson Hartsuck suggested that the Commission discuss the issues further until an agreement can be reached.

Mr. Murphy stated that if a decision cannot be reached, the decision of the ALJ is affirmed. He added that it is best to discuss it further and come to a decision.

Clark Yeager questioned the amount of time given Mr. Ringsdorf after he received the notice of hearing.

Nancylee Siebenmann stated that she believes Mr. Ringsdorf is claiming lack of due process being offered to him. She added that he had due process of being properly informed about the hearing as well as an opportunity to make those differences in Findings of Fact known.

Mike Earley stated that by allowing Mr. Ringsdorf to come in after not attending his own hearing, it is saying to anyone in a

similar situation that if they do not attend and then it does not go their way, they can come back and say they did not have enough time and request a rehearing. He added that the Commission cannot afford to establish a precedent that allows all of these cases to be reopened by simply not attending when one is given their day in court.

Motion was made by Nancylee Siebenmann to deny the request for rehearing on the basis that due process has been served. Seconded by Mike Earley.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Siebenmann, Earley and Hartsuck. "Nay" vote was cast by Commissioners Mohr, Yeager and King. Motion failed on a vote of 3-Aye to 3-Nay.

Further discussion took place on why the case should or should not be reopened. Also discussed was whether or not Mr. Ringsdorf was given adequate notice of hearing.

Mr. Murphy clarified that Mr. Ringsdorf signed the receipt of Notice of Hearing on May 28, 1991, and the hearing was not scheduled until July 2, 1991.

Rozanne King stated that she does not have a problem with the Notice of Hearing but she feels there are discrepancies in some of the evidence. She added that she has problems with some of the evidence in that the ALJ had to decide the case without Mr. Ringsdorf being at the hearing.

Nancylee Siebenmann stated that she feels a rehearing would be opening a "Pandora's Box" in that Mr. Ringsdorf had due notification of the hearing and an opportunity to present his side at that hearing.

Clark Yeager asked what would happen if the Commission cannot come to agreement on an action.

Mr. Murphy stated that if the Commission fails to take action, the decision stands as affirmed by operation of the law. He added that staff would prefer that the Commission make a decision.

Chairperson Hartsuck stated that he will not vote unless it is necessary to break a tie.

Motion was made by Rozanne King to reopen the Joe Ringsdorf case for further hearing. Seconded by Clark Yeager.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Yeager, King and Mohr. "Nay" vote was cast by Commissioners Siebenmann and Earley. Motion failed on a vote of 3-Aye to 2-Nay lacking a consensus of a majority of the Commission.

Chairperson Hartsuck asked for a motion on the question of appeal of the Administrative Law Judge decision.

The Commission took no action in the matter of the appeal; this has the effect of upholding the Administrative Law Judge's decision.

REFERRALS TO THE ATTORNEY GENERAL (continued)

Schildberg Construction Company, Inc.

Chairperson Hartsuck reiterated that he will not vote unless it is necessary to break a tie.

Mr. Murphy explained that an investigation was made as a result of complaints staff received in June of this year. Investigation disclosed that the company had raised previously permitted levees one to two feet higher than what was permitted by the department. They also constructed about 2,000 linear feet of new quarry extending 800 feet on to the floodway. He related the latter is of more concern because it was unpermitted construction by a company that was well aware of the required permits. Mr. Murphy noted this was an economic advantage to the company since they were able to continue operation in spite of the floods.

APPOINTMENT - STEVE DEVOLDER

Steve DeVolder, Attorney representing Schildberg Construction, introduced Rex Hight, Schildberg Operations Coordinator. He presented a history of the Schildberg quarries in Iowa and noted that, in 31 years of operation, this is the first time they have encountered any regulatory problems. Mr. DeVolder stated that Atlantic operation has 65 acres of quarry construction but only 10 acres are in regulatory question. He noted that the levees are legal in and of themselves but are a foot or two over height in some places. He related that on levees that are 1,150 feet in height there is no reason to make a federal case over one or two feet. Mr. DeVolder added that Schildberg will insure that the levee height is returned to regulatory compliance. He stated that a memo, written by Jack Riessen of the DNR, concluded that the raised levees had no cause or affect on recent flooding damage which occurred around the Atlantic area. He added that the company is ready to work with DNR to see what solution can be made to the problem. Mr. DeVolder stated that he feels it is premature to refer when the company is prepared to hire an engineering firm to assist in working out solutions. He asked

the Commission to allow Schildberg to work with the DNR as opposed to going to litigation.

Nancylee Siebenmann asked how the company could have overlooked the fact that the 10 acre site was not permitted when they have had an ongoing, good relationship with the DNR and, therefore, should be familiar with the regulations.

Mr. DeVolder stated that the company still is not sure how they got out of compliance and they are very embarrassed about it. He related that they are investigating to find out exactly the steps on how it happened.

Nancylee Siebenmann asked what the earliest date was that the company became aware that they had this problem.

Mr. DeVolder stated that DNR received a complaint from an area resident after recent flooding in the area and DNR subsequently investigated. It was during the DNR investigation that employees looked at it and saw that the levee was there. Mr. DeVolder added that, obviously, the levee had been there but they have not established an exact date for it.

Discussion followed regarding the distance of the quarry from Troublesome Creek.

Mr. Murphy stated that referral does not have to interfere with the company's schedule to come into compliance. He added that staff feels this was a serious enough violation to warrant referral.

Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann.

CLOSED SESSION

Motion was made by Clark Yeager to go into closed session pursuant to Iowa Code Section 21.5(1) c to discuss strategy with counsel in matters that are in actual or potential litigation where its disclosure would be likely to prejudice the position of the governmental body in that litigation. Seconded by Rozanne King.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, Siebenmann, Yeager, Earley, King, Mohr, and Hartsuck. Motion carried unanimously.

Motion was made by Nancylee Siebenmann to adjourn the closed session and return to open session. Seconded by Charlotte Mohr.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, Siebenmann, Yeager, Earley, King, Mohr, and Hartsuck. Motion carried unanimously.

Chairperson Hartsuck announced that no action was taken in closed session.

Vote on Commissioner Earley's motion to refer carried unanimously.

Don Ervin

Chairperson Hartsuck reviewed past actions in this case, by staff and Commissioners, and related that this is a new matter before the Commission. He noted that there has been question as to whether it should be before the Commission. Chairperson Hartsuck stated that the Commission is here for a purpose, to behave in a professional manner, and to decide matters on the basis of law and fact as well as their own conscience.

Mr. Murphy displayed photos taken a year ago, one taken in January of this year, and a more recent one. He pointed out that the January photo showed some attempt to get the fire lanes established but the current photo shows hardly any fire lanes at all. He noted that there is approximately one million tires on the site now. Mr. Murphy added that Mr. Ervin is continually bringing tires in and is not complying with any of the permit requirements. He stated that the Attorney General is trying to get it stopped, and a hearing is set for next week to get the judge to require Mr. Ervin not to add anymore tires until fire lanes are restored. Mr. Murphy stated that it is a dangerous situation out there and the Commission should lend their support to the action of the Attorney General.

APPOINTMENT - DON ERVIN

Don Ervin, Fort Dodge, stated that last spring when he was before the Commission he had a party that was going to buy his company for the purpose of reclaiming steel and rubber. He related that when he was not referred at that time, he thought he could move ahead with incorporation and he met with the interested parties. Mr. Ervin stated that Senator Jim Kersten had brought up the issue that grant money was available. He stated that upon return from an out-of-state meeting he found out from the media that he was being sued, and he was surprised because the Commission had not referred him to the Attorney General. He related that the media informed him that he was being sued by the Attorney General. Mr. Ervin stated that there was a meeting in Governor Branstad's office, and according to Senator Kersten, a decision was made that when money was available the new owners would be funded providing there was local county participation. He noted

that they subsequently found out the the grant had been denied by the DNR. Mr. Ervin explained concerns of the department as to why he was denied a grant and he provided rebuttal of each point. He stated that he has a company coming in Wednesday to look over Fort Dodge to possibly put in a plant that will take whole and shredded tires. Mr. Ervin stated that he thought when Senator Kersten came back from the meeting with the Governor in March that everything was "go." He added that he just keeps getting mixed signals and investors get run off all the time.

Nancylee Siebenmann asked Mr. Ervin why he kept taking tires when he was having problems getting incorporation finalized. She continued to inquire why he did not prepare a moratorium on taking tires until he knew he was going to get a grant, equipment, and so forth.

Mr. Ervin replied that it was to "keep the money coming in, that was the only way to make money."

Commissioner Siebenmann asked Mr. Ervin if he knew he was in violation.

Mr. Ervin's response was "oh, yes, I've known it all along." He added that it is scary but he just kept going because it was his belief that every week something was going to happen.

Discussion followed regarding the Attorney General's Office having picked up the case on their own.

Clark Yeager commented that the A.G. has had the case for five to six months and has not done anything with it.

Mr. Murphy stated that the A.G. previously scheduled a court hearing to get an injunction, but Mr. Ervin's attorney asked for a continuance as he was going to be out of town. He added that it is now scheduled for next week and a lack of the department's support in that action could be a detriment.

Discussion followed.

Motion was made by Clark Yeager to table this referral until next month so staff can provide more of a fact sheet as to what the penalties are to be, and until the Commission can hear from the Attorney General's Office as to why they should join in the injunctive relief. Seconded by Charlotte Mohr.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Yeager, King, Priebe, Mohr, and Hartsuck. "Nay" vote was cast by Commissioners Earley and Siebenmann. Motion carried on a vote of 5-Aye to 2-Nay.

COMMISSIONER ABSENT

Mike Earley left the meeting at this point, 3:45 p.m.

Ames Golf and Country Club-Jerry Webb

Mr. Murphy stated that the Ames Golf and Country Club has a wastewater facility that the department has had ongoing problems with. He added that Jerry Webb is the club's operator, and a more serious aspect of the matter is the alleged falsification of monitoring reports. Mr. Murphy stated that it is the feeling of staff that Ames Golf and Country Club should be included for the Attorney General's evaluation of their responsibility in this matter. He added that the club is working on solving the wastewater problem and the department will continue to work with them on that, but both parties should be referred.

APPOINTMENT - DALE SHARP

Dale Sharp, Attorney representing Ames Golf & Country Club, stated that he is also a member of the club. He introduced the President and other members of the club. Mr. Sharp asked that the Commission not refer the noncriminal matters and related that they would like the noncompliance portion to remain with the DNR staff. He stated that it is the club's position that the alleged criminal violations are not associated with the Club, any of its members, or its elected leadership. He stressed that the club does intend to correct, as soon as prudently possible, its wastewater problem. Mr. Sharp stated that they have operated the facility since 1975, but the permit and the regulatory oversight did not occur until August, 1986. He added that they have had problems since the permit was granted but they would like to work with DNR staff in a nonadversary kind of process. He read references from the Ames Golf and Country Club Board of Directors meeting minutes indicating the club's priority to get the wastewater problems corrected. He also distributed copies of those minutes to the Commission. Mr. Sharp noted that it will cost \$60,000 to correct the problem, and the Club has \$25,000 set aside to accomplish it. In conclusion, Mr. Sharp asked that the noncompliance matters not be referred to the Attorney General, and that the criminal matters could, and probably should, be referred to the Attorney General. He related that none of the club members were involved in the criminal matter.

Charlotte Mohr asked how soon they plan to start work on the project.

Mr. Sharp stated that final design plans are done in draft form and they would like to start construction this fall so they will be on a new system in 1991.

Lee Sargent, Ames Golf & Country Club Board Member, clarified that the Board of Directors has approved an expenditure of \$50,000 to install a wastewater septic system and they intend to have final plans this week, take it to bid next week, and have it installed by the end of fall.

APPOINTMENT - DEBORAH KRAUTH

Deborah Krauth, Attorney representing Jerry Webb, asked the Commission not to refer this matter for prosecution. She stated that it is an error to put the focus of this matter on a criminal charge rather than on the compliance charge. Ms. Krauth added that she has been advised that all of the board members of the club are not in favor of a referral for criminal prosecution. She stated that the litigation report characterizes Jerry Webb as the operator in charge of the facility. She noted that she would take issue with that, and if he has appeared to be so, it has been by default only. She related that perhaps there has been a serious problem of communication within the system at the club. Ms. Krauth asked the Commission not to refer the matter at this time, if at all, and to try to resolve it as a whole.

Clark Yeager asked if Jerry Webb is still an employee of the Ames Golf & Country Club.

Mr. Sharp answered in the affirmative.

Nancylee Siebenmann asked if the Board of Directors at the club would have the supervisory responsibility in this matter since Mr. Webb is acting as an agent of the board.

Mr. Murphy stated that he is not sure how the Attorney General's Office will view the responsibility for that aspect. He added that the Board is the responsible party for the facility.

Brief discussion followed.

Motion was made by Nancylee Siebenmann for referral of Ames Golf and Country Club for the alleged violations. Seconded by Rozanne King.

Gary Priebe asked if the referral includes the operator and the country club.

Nancylee Siebenmann explained that, in her opinion, the country club is the overall responsible party and any action against the operator would emanate from that.

Motion carried unanimously.

1992 LEGISLATION (continued)

Mr. Combs gave an explanation of the remaining legislative proposals and asked the Commission to add a proposal entitled "Low Level Radioactive Waste Compact Amendments."

Mr. Combs asked if the Commission had any additions to the list.

Chairperson Hartsuck expressed concern about large retailers not providing a place for waste oil disposal and asked what can be done to make them comply with that requirement.

Mr. Combs commented that he has noticed that people need to be provided with a financial incentive not to dispose of waste oil improperly, such as something similar to the bottle deposit.

Chairperson Hartsuck stated that he feels staff should look at a proposal for some alternatives to alleviate improper disposal.

GENERAL DISCUSSION

Director Wilson informed the Commissioners that he prepared a brief statement for them regarding a letter they received from residents near Shipley Construction Company in Burlington. He explained that this matter involves a proposal by a construction rock quarry operation to open additional sites in the Burlington area. Most of the letters were from people opposed to additional sites and they have asked the department to intervene. Mr. Wilson noted that much of the operation is not in the floodplain and what they are proposing does not require a permit. He added that they have recently applied for a permit to withdraw water for the quarrying process. That permit would require public notice and perhaps a public hearing, after which an analysis will be made to determine if there are any environmental reasons to deny the permit.

Discussion took place regarding the Commission's role in judicial matters. Chairperson Harsuck noted that there have been disagreements and the Commisison should decide on some course of action to head them in the right direction.

Discussion was held regarding Emergency Rules and the public's perception of same.

Discussion took place regarding the Attorney General's Office picking up the Don Ervin case after the Commission voted to table it several months ago.

Discussion took place regarding the possibility of increasing the administrative penalty limit to \$5,000. It was noted that air violations allow up to \$10,000 penalty.

Clark Yeager commented that the commission has been hampered in some of the cases brought before them because of a low number of Commissioners in attendance.

Mr. Murphy commented that the rule that it takes five Commissioners in order to pass an action is the Commission's own rule. He related that the Commission could change the rule to require that it take a majority of those present rather than a majority of the Commission.

Chairperson Hartsuck stated that he feels the Commission should reexamine that rule.

Brief discussion took place on the conflict of interests issue.

NEXT MEETING DATES

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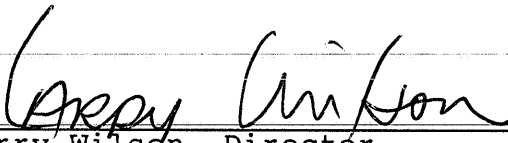
October 21-22, 1991

November 18-19, 1991

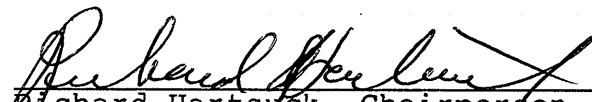
ADJOURNMENT

*Motion was made by Rozanne King to adjourn the meeting.
Seconded by Charlotte Mohr. Motion carried unanimously.*

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 5:30 p.m., Monday, August 19, 1991.



Larry Wilson, Director



Richard Hartsuck, Chairperson

August 1991

Environmental Protection Commission Minutes

Nandylee Siebenmann
Nandylee Siebenmann, Secretary

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